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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-EIGHTH SESSION

(18 March-26 April 2002)

PART I*

(for use by members of the Economic and Social Council during its 2002 substantive session)

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I. Draft resolutions and decisions recommended for adoption by the Economic and Social Council

A. Draft resolution

Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 2002/33 of 22 April 2002, in which the Commission adopted the text of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment relating to the creation of a mechanism for visits to places of detention in order to prevent torture,

1. *Expresses its appreciation* to the Commission on the adoption of the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. *Adopts* the draft optional protocol contained in the annex to Commission resolution 2002/33;

3. *Recommends* to the General Assembly that it adopt and open for signature, ratification and accession as early as possible the optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

[See chap. II, sect. A, resolution 2002/33,
and chap. XI.]

B. Draft decisions

1. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/8 of 15 April 2002, approves the Commission's decision to request the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of the recommendations appearing in the report of the United Nations High Commissioner for Human Rights (E/CN.4/2001/114) as well as those appearing in the report of the Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 (E/CN.4/2001/121), and to submit reports thereon to the General Assembly at its fifty-seventh session and to the Commission on Human Rights at its fifty-ninth session.

[See chap. II, sect. A, resolution 2002/8,
and chap. VIII.]

2. Human rights situation of Lebanese detainees in Israel

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/10 of 19 April 2002, endorses the decision of the Commission to request the Secretary-General:

(*a*) To bring Commission resolution 2002/10 to the attention of the Government of Israel and to call upon it to comply with its provisions;

(*b*) To report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 2002/10,
and chap. IX.]

3. Assistance to Equatorial Guinea in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/11 of 19 April 2002, endorses the decision of the Commission to end the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea.

The Council also endorses the decision of the Commission to examine the question of technical assistance to Equatorial Guinea in the field of human rights at its fifty-ninth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

[See chap. II, sect A, resolution 2002/11,
and chap. IX.]

4. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/12 of 19 April 2002, approves the decision of the Commission to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-seventh session and a report to the Commission at its fifty-ninth session, giving her work a gender-specific dimension.

[See chap. II, sect. A, resolution 2002/12,
and chap. IX.]

5. Situation of human rights in parts of south-eastern Europe

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/13 of 19 April 2002, endorses the decision of the Commission to extend for one year the mandate of the Special Representative of the Commission to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

[See chap. II, sect. A, resolution 2002/13,
and chap. IX.]

6. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/14 of 19 April 2002, endorses the Commission's decisions:

(*a*) To extend the mandate of the Special Rapporteur for a further year and to request her to submit an interim report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced and Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out in the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the various reports by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session.

[See chap. II, sect. A, resolution 2002/14,
and chap. IX.]

7. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/15 of 19 April 2002, endorses the decision of the Commission to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the

Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and also to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 2002/15,
and chap. IX.]

8. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/16 of 19 April 2002, endorses the decision of the Commission to extend the mandate of the Special Rapporteur for a further year and to request him to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process.

[See chap. II, sect. A, resolution 2002/16,
and chap. IX.]

9. Situation of human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/18 of 19 April 2002, endorses the decision of the Commission to request the United Nations High Commissioner for Human Rights to take steps to send a personal representative with a view to cooperation between the Office of the United Nations High Commissioner for Human Rights and the Government of Cuba in the implementation of Commission resolution 2002/18.

[See chap. II, sect. A, resolution 2002/18,
and chap. IX.]

10. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/19 of 22 April 2002, endorses the decision of the Commission to extend the mandate of the Special Rapporteur for one year and to request him to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session and to provide updates, as appropriate.

[See chap. II, sect. A, resolution 2002/19,
and chap. IX.]

11. Situation of human rights in Sierra Leone

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/20 of 22 April 2002, endorses the decisions of the Commission to request:

(*a*) The Office of the United Nations High Commissioner for Human Rights to dispatch a forensic team without delay to investigate mass graves and other evidence of atrocities in Sierra Leone that will be important for the work of the Truth and Reconciliation Commission and the Special Court;

(*b*) The High Commissioner to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the United Nations Mission in Sierra Leone.

[See chap. II, sect. A, resolution 2002/20,
and chap. IX.]

12. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/24 of 22 April 2002, endorses the decisions of the Commission:

(*a*) To renew, for a period of one year, the mandate of the independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights appointed pursuant to Commission resolution 2001/30, and to request him to submit a report to the Commission at its fifty-ninth session which would further address:

(i) The question of the nature and scope of States parties' obligations under the Covenant;

(ii) Conceptual issues on the justiciability of economic, social and cultural rights, with particular reference to the experience gained in recent years from the application of universal, regional and national human rights instruments and mechanisms;

(iii) The question of the benefits and the practicability of a complaint mechanism under the Covenant and the issue of complementarity between different mechanisms;

(*b*) To establish, at the fifty-ninth session of the Commission, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

[See chap. II, sect. A, resolution 2002/24,
and chap. X.]

13. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/25 of 22 April 2002, endorses the decision of the Commission to request the Special Rapporteur to submit a report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on the implementation of Commission resolution 2002/25.

[See chap. II, sect. A, resolution 2002/25,
and chap. X.]

14. Globalization and its impact on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/28 of 22 April 2002, endorses the decision of the Commission to request the United Nations High Commissioner for Human Rights, taking fully into account resolution 2002/28 and in cooperation with the United Nations Conference on Trade and Development, the World Trade Organization and other relevant international financial and economic institutions, to study and clarify the fundamental principle of non-discrimination and its application at the global level with a view to recommending measures for its integration and effective implementation in the debate on and process of globalization, and to submit a comprehensive analytical study on that subject to the Commission at its fifty-ninth session.

The Council also endorses the decision of the Commission to request the High Commissioner to integrate the theme of globalization and its impact on the enjoyment of human rights in the programmes of her Office concerning regional arrangements for the promotion and protection of human rights and, in this context, to convene intersessional workshops during the year to gather relevant data and opinions with a view to evaluating the varied impact of globalization on the enjoyment of human rights in various regions/parts of the world, and to report to the Commission at its next session.

[See chap. II, sect. A, resolution 2002/28,
and chap. X.]

15. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/29 of 22 April 2002, authorizes the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-ninth session of the Commission with the mandate to: (*a*) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (*b*) report to the Commission at its fifty-ninth session.

[See chap. II, sect. A, resolution 2002/29,
and chap. X.]

16. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/30 of 22 April 2002, endorses the Commission's decision to renew for two years the mandate of the independent expert on the question of human rights and extreme poverty, and to request her:

(*a*) To take into account the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held at Durban, South Africa, from 31 August to 8 September 2001, and the World Summit on Sustainable Development to be held in Johannesburg, South Africa, from 26 August to 4 September 2002;

(*b*) To continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of local, national and international good practices;

(*c*) To continue, including during her visits, her consultations with men and women living in extreme poverty and the communities in which they live into developing their capacity to express their views and organize themselves, and to involve national human rights bodies in this exercise;

(*d*) To identify good practices by national and local authorities for taking into account in shaping their policies the needs and demands voiced by the least well-off;

(*e*) To continue her cooperation with international organizations, including the financial institutions, with a view to identifying the best programmes for combating extreme poverty;

(*f*) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002, and the associated events;

(*g*) To report on her activities to the Commission on Human Rights at its fifty-ninth and sixtieth sessions, and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years.

[See chap. II, sect. A, resolution 2002/30,
and chap. X.]

17. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/31 of 22 April 2002, endorses the decisions of the Commission:

(*a*) To appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination;

(*b*) To request the Special Rapporteur:

- (i) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;
- (ii) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as non-governmental organizations and international financial institutions;
- (iii) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the provisions of the instruments

listed in paragraph (*a*) above, and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(iv) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

(*c*) To request the Special Rapporteur to avoid in her or his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

(*d*) To invite the Special Rapporteur:

(i) To apply a gender perspective in her or his work and to pay special attention to the needs of children in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(ii) To take into account in her or his work the relevant provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), as well as of the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings, and to bear in mind General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and General Recommendation No. 24 of the Committee on the Elimination of Discrimination against Women, adopted at its twentieth session, as well as any other general comment that treaty bodies adopt on related provisions of relevant instruments;

(*e*) To request the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

(*f*) To request the Special Rapporteur to submit an annual report to the Commission on the activities performed under her or his mandate.

[See chap. II, sect. A, resolution 2002/31,
and chap. X.]

18. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/38 of 22 April 2002, endorses the decision of the Commission to invite the Special Rapporteur to present an interim report to the General Assembly at its fifty-seventh session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-ninth session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations.

[See chap. II, sect. A, resolution 2002/38,
and chap. XI.]

19. Elimination of all forms of religious intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/40 of 23 April 2002, endorses the decision of the Commission to request the Special Rapporteur on freedom of religion or belief to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session.

[See chap. II, sect. A, resolution 2002/40,
and chap. XI.]

20. The right to freedom of opinion and expression

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/48 of 23 April 2002, endorses the decision of the Commission to extend the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression for a further three years.

[See chap. II, sect. A, resolution 2002/48,
and chap. XI.]

21. Integrating the human rights of women throughout the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/50 of 23 April 2002, endorses the decision of the Commission to request all special procedures and other human rights mechanisms of the Commission and the Sub-Commission for the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and to invite human rights treaty bodies to do likewise, and to encourage the strengthening of cooperation and coordination between these procedures and mechanisms.

The Council also endorses the decision of the Commission to integrate a gender perspective into all of its agenda items.

[See chap. II, sect. A, resolution 2002/50,
and chap. XII.]

22. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/54 of 25 April 2002, endorses the decision of the Commission to request the Secretary-General to make all the necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights.

[See chap. II, sect. A, resolution 2002/54,
and chap. XIV.]

23. Human rights of persons with disabilities

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/61 of 25 April 2002, endorses the decision of the Commission to invite the Special Rapporteur on disability of the Commission for Social Development to address the Commission on Human Rights at its fifty-ninth session on the human rights dimension of his work and also to invite him to regularly provide the Commission with reports of experience on the human rights dimension gained by him and his panel through monitoring the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

The Council also endorses the decision of the Commission to invite all special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities, and to request the Secretary-General to report annually to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities.

[See chap. II, sect. A, resolution 2002/61,
and chap. XIV.]

24. Human rights of migrants

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/62 of 25 April 2002, endorses the decision of the Commission to extend for a period of three years the mandate of the Special Rapporteur and to encourage her to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles to and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission resolution 1999/44.

[See chap. II, sect. A, resolution 2002/62,
and chap. XIV.]

25. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/63 of 25 April 2002, authorizes the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to meet for five working days prior to the fifty-fourth session of the Sub-Commission.

[See chap. II, sect. A, resolution 2002/63,
and chap. XV.]

26. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/64 of 25 April 2002, authorizes the working group of the Commission established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the fifty-ninth session of the Commission, the costs of the meeting to be met from within existing resources.

The Council endorses the Commission's decision to invite the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group.

[See chap. II, sect. A, resolution 2002/64,
and chap. XV.]

27. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/67 of 25 April 2002, endorses the Commission's decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 2002/67,
and chap. IX.]

28. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/68 of 25 April 2002, approves the decision of the Commission:

(*a*) To establish an intergovernmental working group, with the following mandate:

(i) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12);

(ii) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(*b*) To establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(i) To study the problems of racial discrimination faced by people of African descent living in the Diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(ii) To propose measures to ensure full and effective access to the justice system by people of African descent;

(iii) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(iv) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

a. Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

b. Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

c. Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

(*c*) To request the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

(*d*) To emphasize the importance of the appointment of the five independent eminent experts by the Secretary-General to follow-up the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(i) To receive reports from States, non-governmental organizations and all relevant institutions within the United Nations system on the implementation of and follow-up to the Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries;

(ii) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(iii) To make recommendations to the Secretary-General, the Office of the United Nations High Commissioner for Human Rights and the Commission on ways and means of mobilizing the resources necessary for anti-racism activities;

(iv) To assist the Intergovernmental Working Group in its preparation of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(v) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission and the Office of the High Commissioner in the comprehensive implementation of the Durban Declaration and Programme of Action;

(*e*) To keep the mandate of the independent eminent experts under constant review;

(*f*) To establish a voluntary fund to provide additional resources for:

(i) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(ii) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts in the open-ended sessions of the Working Group of Experts on People of African Descent;

(iii) The activities of the Committee on the Elimination of Racial Discrimination;

(iv) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(v) The anti-racial discrimination activities of the Anti-Discrimination Unit of the Office of the High Commissioner;

(*g*) To renew the mandate of the Special Rapporteur for three years and to appoint Mr. Doudou Diène as Special Rapporteur, in order to take advantage of his expertise in this field;

(*h*) To include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

[See chap. II, sect. A, resolution 2002/68,
and chap. VI.]

29. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/69 of 25 April 2002, endorses the Commission's decision to extend the mandate of the Working Group on the Right to Development by one year to continue important deliberations and deepening dialogue on the operationalization on the right to development.

[See chap. II, sect. A, resolution 2002/69,
and chap. VII.]

30. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/80 of 25 April 2002, endorses the Commission's decision to request the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the United Nations High Commissioner for Human Rights, in particular with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of Commission resolution 2002/80.

[See chap. II, sect. A, resolution 2002/80,
and chap. XVIII.]

31. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/88 of 26 April 2002, endorses the Commission's decision to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and to request the independent expert to report to the Commission at its fifty-ninth session.

The Council also endorses the Commission's decision to request the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi.

[See chap. II, sect. A, resolution 2002/88,
and chap. XIX.]

32. Enhancement of the effectiveness of the working methods of the Commission

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/91 of 26 April 2002, endorses the Commission's decision to initiate at its fifty-ninth session, under the agenda item entitled "Organization of the work of the session", a thorough review of the issue of the enhancement of the effectiveness of the working methods of the Commission, in particular those matters included in the non-exhaustive annex to Commission resolution 2002/91.

The Council also endorses the decision of the Commission to request the Office of the United Nations High Commissioner for Human Rights to solicit ideas and proposals on enhancing the effectiveness of the working methods of the Commission from Governments, the expanded Bureau of the fifty-eighth session of the Commission, regional groups and organizations and other participants at the Commission, including non-governmental organizations, with a view to submitting a comprehensive compilation of views to the Commission by 31 December 2002.

The Council further endorses the decision of the Commission to request the expanded Bureau of its fifty-ninth session to submit, at the initial stage of the fifty-ninth session, proposals on how to proceed to consider this question in 2003 under the same agenda item.

[See chap. II, sect. A, resolution 2002/91,
and chap. III.]

33. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 2002/92 of 26 April 2002, endorses the Commission's decision to request the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms and all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to include a child rights perspective in the fulfilment of their mandates.

[See chap. II, sect. A, resolution 2002/92,
and chap. XIII.]

34. Interaction between the secretariat of the procedure established pursuant to Economic and Social Council resolution 1503 (XLVIII) and the Division for the Advancement of Women

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/102 of 5 April 2002, endorses the Commission's decision to request the secretariat of the procedure established pursuant to Council resolution 1503 (XLVIII) to discontinue immediately its practice of forwarding confidential monthly lists to the Division for the Advancement of Women.

[See chap. II, sect. B, decision 2002/102,
and chap. IX.]

35. The Social Forum

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/106 of 22 April 2002, authorizes the holding in Geneva of a pre-sessional forum on economic, social and cultural rights, to be known as "the Social Forum", before the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights, for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation, and also authorizes the provision of all the necessary secretariat facilities for the preparation and servicing of the event.

[See chap. II, sect. B, decision 2002/106,
and chap. X.]

36. Human rights and human responsibilities

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/110 of 25 April 2002, decides to request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit to the Commission at its fifty-ninth session his final report on the study requested by the Commission in its resolution 2000/63 of 26 April 2000, and to request again the Secretary-General to grant the Special Rapporteur all the necessary assistance to make it possible for him to fulfil his mandate properly, in particular by facilitating the field missions he considers it necessary to carry out in 2002 in Africa, Asia and Europe.

[See chap. II, sect. B, decision 2002/110,
and chap. XVII.]

37. Dates of the fifty-ninth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/113 of 26 April 2002, endorses the Commission's decision that the first meeting of the Commission would henceforth be held on the third Monday in January, with the sole purpose of electing its officers, and that the fifty-ninth session of the Commission would be held from 17 March to 25 April 2003.

[See chap. II, sect. B, decision 2002/113,
and chap. XX.]

38. Expiration of office-holders' terms of appointment under special procedures

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/114, of 26 April 2002, approves the decision of the Commission:

(*a*) That the six-year period of time referred to in subparagraph (*a*) (ii) (Special procedures mandates) of the Chairperson of the Commission's statement on enhancement of the effectiveness of the mechanism of the Commission, of 29 April 1999 (E/1999/23-E/CN.4/1999/167, chap. XX, para. 552), will not extend beyond the last day of the substantive session of the Council immediately following the relevant session of the Commission;

(*b*) That any reports on activities undertaken by the concerned individual office-holder between the date of submission of reports to the relevant session of the Commission and the last day of the substantive session of the Council will be circulated as official documents of the subsequent session of the Commission;

(*c*) That the Chairperson of the Commission, in consultation with the expanded Bureau, will endeavour to select and appoint office-holders as early as possible with a view to avoiding gaps between terms of office-holders.

[See chap. II, sect. B, decision 2002/114,
and chap. XX.]

39. Intersessional activities of the Bureau

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/115 of 26 April 2002, endorses the Commission's decision to authorize its Bureau, working together with the regional coordinators, after the conclusion of the fifty-eighth session and in full consultation with all regional groups, to consider steps which could be recommended to the expanded Bureau of the fifty-ninth session as soon as it is established regarding the organization of work during the fifty-ninth session, in close coordination with the Bureau of the Council and the Office of the United Nations High Commissioner for Human Rights, as well as other concerned bodies of the United Nations Secretariat.

[See chap. II, sect. B, decision 2002/115,
and chap. III.]

40. Organization of the work of the fifty-ninth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/116 of 26 April 2002, authorizes 14 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's fifty-ninth session.

The Council approves the Commission's decision to request the Chairperson of the fifty-ninth session of the Commission to make every effort to organize the work of the session within the time normally allotted, so that the additional meetings that the Council authorized would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 2002/116,
and chap. III.]

41. Electronic voting system

The Economic and Social Council, taking note of Commission on Human Rights decision 2002/118 of 26 April 2002, endorses the Commission's decision to call upon the Secretary-General to continue making available to it the electronic voting system at all future sessions, including special sessions.

[See chap. II, sect. B, decision 2002/118,
and chap. III.]

42. Situation of human rights in East Timor

The Economic and Social Council, taking note of the statement made by the Chairperson of the Commission on Human Rights at its 48th meeting, on 19 April 2002, and agreed on by consensus by the Commission, approves the Commission's request to the United Nations High Commissioner for Human Rights to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session.

[See chap. IX.]

43. Technical cooperation and the situation of human rights in Haiti

The Economic and Social Council, taking note of the statement agreed on by consensus by the Commission on Human Rights, made by the Chairperson of the Commission at its 57th meeting, on 26 April 2002, approves the request that a new independent expert report to the Commission at its fifty-ninth session on developments in the situation of human rights and technical cooperation for human rights in Haiti, as well as the Commission's decision to continue its consideration of the situation of human rights in Haiti at its fifty-ninth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

[See chap. XIX.]

II. Resolutions and decisions adopted by the Commission at its fifty-eighth session

A. Resolutions

2002/1. Situation of human rights in the occupied Palestinian territory

The Commission on Human Rights,

Recalling Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, and taking note of Council resolutions 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, as well as for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

Welcoming the statement of the United Nations High Commissioner for Human Rights on the situation of human rights in the occupied Palestinian territory on 2 April 2002 at its 22nd meeting of the fifty-eighth session,

Gravely concerned at reports of gross, widespread and flagrant violations of human rights in the occupied Palestinian territory, in particular regarding the violation of the right to life, the arrest and detention of civilians, the restrictions on freedom of movement, the disruption of the delivery of humanitarian and medical assistance, the destruction of infrastructure, the restriction on the freedom of the media, the detention of human rights defenders, as well as the disproportionate and indiscriminate use of Israeli military force against the people of Palestine and its leadership,

Noting the specific proposals of the High Commissioner for a visiting mission to be dispatched immediately to the area and for the establishment of an international monitoring presence to deter violations of human rights in the occupied Palestinian territory,

1. *Condemns* the frightening increase in the loss of life, the invasion of Palestinian cities and villages, the arrest and detention of Palestinians, the restrictions on the movement of residents as well as personnel of the International Committee of the Red Cross and the Palestinian Red Crescent Society, medical personnel, human rights defenders and journalists, the refusal of humanitarian access to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the serious and systematic destruction of homes, installations and infrastructure in the territory as reported by the High Commissioner;

2. *Endorses* the proposals made by the High Commissioner in her statement;

3. *Requests* the High Commissioner to head a visiting mission that would travel immediately to the area and return expeditiously to submit its findings and recommendations to the current session of the Commission;

4. *Decides* to remain seized of this matter as a matter of high priority.

28th meeting
5 April 2002
[Adopted by a roll-call vote of 44 votes to 2,
with 7 abstentions. See chap. IV.]

2002/2. Strengthening of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly and the Commission, in particular Assembly resolutions 48/141 of 20 December 1993 and 55/234 of 23 December 2000, and Commission resolutions 1998/83 of 24 April 1998, 1999/54 of 27 April 1999 and 2000/1 of 7 April 2000,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues and, in this context, underlining the need for continuing to ensure the implementation of these principles by the United Nations High Commissioner for Human Rights in the fulfilment of her mandate and the activities of her Office,

Recalling that the mandate of the High Commissioner includes promotion and protection of the effective enjoyment by all of all civil, cultural, economic, political and social rights,

Recalling also that the Vienna Declaration and Programme of Action adopted in June 1993 at the World Conference on Human Rights (A/CONF.157/23) recognized the necessity for an adaptation and strengthening of United Nations human rights machinery in accordance with current and future needs in the promotion and protection of human rights,

Encouraging the High Commissioner, within her mandate as set out in General Assembly resolution 48/141, to continue to play an active role in promoting and protecting all human rights, *Convinced* of the need for further and continued support and consideration of the programmes and activities of the Office of the United Nations High Commissioner for Human Rights,

1. *Emphasizes* that the Office of the High Commissioner is a common office for all and should therefore reflect a diversity of backgrounds and, in this context recalls that the Office of the High Commissioner, as part of the United Nations Secretariat, is governed by Article 101 of the Charter of the United Nations concerning staffing policies, which is essential for ensuring the implementation of the principles of universality, objectivity and non-selectivity in the consideration of human rights issues;

2. *Encourages* the Office of the High Commissioner to continue the current practice of making the best use of available human rights expertise relevant to and, as appropriate, from the regions where activities are undertaken;

3. *Calls upon* the High Commissioner to take into account all relevant resolutions of the General Assembly and the Commission on Human Rights in planning the activities of the Office and requests her to reflect them appropriately in her annual reports to the Commission and the Assembly;

4. *Encourages* the Office of the High Commissioner to ensure transparency in its activities and operation through a process of continued dialogue and consultations with Member States through inter alia monthly briefings and taking into account relevant resolutions of the General Assembly and the Commission;

5. *Reiterates* the need to ensure that all necessary financial, material and personnel resources are provided from the regular budget of the United Nations without delay to the United Nations human rights programme to enable the Office of the High Commissioner to carry out its mandates efficiently, effectively and expeditiously;

6. *Welcomes* the voluntary contributions to the Office of the High Commissioner, in particular those from developing countries, and in this context calls upon donors to take into account the High Commissioner's call for unearmarked contributions in order to give the Office flexibility in the allocation of resources for its operational activities in accordance with the resolutions of the Commission and with a view to treating all human rights in a fair and equal manner;

7. *Reaffirms* that the tasks of the High Commissioner include promoting and protecting the realization of the right to development and that the Office of the High Commissioner should devote adequate resources and staff to its follow-up, with a view to enhancing activities of the Office for its effective realization;

8. *Calls upon* the High Commissioner to continue to emphasize the promotion and protection of economic, social and cultural rights in the activities of her Office and, in that regard, encourages the High Commissioner to continue to strengthen her relationship with the appropriate bodies, funds and specialized agencies of the United Nations;

9. *Also calls upon* the High Commissioner to continue to strengthen the management structure of her Office, including human resource management, and to improve the responsiveness of her Office in all priority areas, especially economic, social and cultural rights, which require particular research and analytical capacity;

10. *Recommends* that the Economic and Social Council and the General Assembly provide the Office of the High Commissioner with ways and means commensurate to its increasing tasks, as well as more resources for special rapporteurs;

11. *Declares* that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

12. *Emphasizes* the need for an increase in the allocation of resources from within the United Nations regular budget for advisory services and technical cooperation in the field of human rights;

13. *Invites* the High Commissioner to continue to provide information on cooperation with other United Nations bodies and with Governments and invites her to make available information concerning agreements with States and other United Nations bodies and their implementation, in an open and transparent manner, as appropriate;

14. *Requests* the High Commissioner to continue to provide States with information as well as to hold informal briefings on voluntary contributions, including their share of the overall/full cost budget of the human rights programme and their allocation;

15. *Takes note* of the practice of publishing an Annual Appeal and an Annual Report which provide Member States with information on the activities of the Office of the High Commissioner, and calls upon the High Commissioner to include detailed information on the status and use of all voluntary, in particular earmarked, contributions to the budget of the Office in her next annual appeal and annual report;

16. *Invites* the High Commissioner to inform Member States, as appropriate, on all aspects of follow-up to, and preparation of, Annual Appeals, including through the periodic information meeting, and looks forward to the publication of the *Annual Appeal 2003* and the *Annual Report 2001*;

17. *Again invites* the High Commissioner to submit information pursuant to the present resolution in her annual report to the Commission;

18. *Decides* to consider the implementation of the present resolution at its sixtieth session under the relevant agenda item.

37th meeting
12 April 2002
[Adopted without a vote. See chap. IV.]

2002/3. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and reaffirming the need for the scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Guided further by the provisions of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right of self-determination of all peoples and especially those subject to foreign occupation,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination,

Recalling also Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and taking note of Council resolutions 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002,

Recalling further its previous resolutions in this regard, the latest of which is its resolution 2001/2 of 6 April 2001,

Reaffirming the right of the Palestinian people to self-determination in accordance with the provisions of the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law and a basic condition for achieving a just, lasting and comprehensive peace in the region of the Middle East,

Welcoming and endorsing the Arab peace initiative based on the proposals of Crown Prince Abdullah of Saudi Arabia,

1. *Reaffirms* the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to establish their sovereign and independent Palestinian State, and looks forward to the early fulfilment of this right;

2. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to disseminate it on the widest possible scale and to make available to the Commission, prior to the convening of its fifty-ninth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

3. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that agenda item, as a matter of high priority.

37th meeting
12 April 2002
[Adopted by a recorded vote of 52 votes to 1.
See chap. V.]

2002/4. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Taking note of General Assembly resolution 56/69 of 10 December 2001,

Recalling its resolution 2001/1 of 6 April 2001,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, in which the Council approved a settlement plan for Western Sahara,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan, *Recalling* all the Security Council, General Assembly and Commission on Human Rights resolutions relating to the question of Western Sahara,

Noting with satisfaction the entry into force of the ceasefire in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Noting also with satisfaction the agreements reached by the two parties regarding the implementation of the settlement plan during their private direct talks and stressing the importance it attaches to a full, fair and faithful implementation of the settlement plan and the agreements aimed at its implementation,

Noting that, despite the progress achieved, difficulties remain in the implementation of the settlement plan which must be overcome,

Taking note of the efforts of the Secretary-General and his Personal Envoy in search of a mutually acceptable political solution to the question of Western Sahara,

Welcoming the fact that the two parties have accepted the detailed modalities for the implementation of the Secretary-General's package of measures relating to the identification of voters and the appeals process,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also that the General Assembly has examined the report of the Secretary-General (A/56/159),

1. *Takes note* of the report of the Secretary-General;

2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provided for those efforts;

3. *Recalls* the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private and direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the two parties to implement those agreements fully and in good faith;

4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking any initiative that would undermine the implementation of the settlement plan and the agreements reached for its implementation and the continued efforts of the Secretary-General and his Personal Envoy;

5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

6. *Encourages* the parties to continue the discussions begun under the auspices of the Personal Envoy of the Secretary-General with a view to reaching a mutually acceptable agreement on the question of Western Sahara;

7. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

8. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

9. *Also reaffirms* its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

10. *Recalls* the relevant Security Council resolutions, including resolutions 1349 (2001) of 27 April 2001, 1359 (2001) of 29 June 2001 and 1380 (2001) of 27 November 2001, and takes note of Council resolution 1394 (2002) of 27 February 2002;

11. *Urges* the parties to solve the problem of the fate of people unaccounted for and calls on the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict;

12. *Notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-seventh session;

13. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-seventh session, a report on the implementation of Assembly resolution 56/69.

37th meeting
12 April 2002
[Adopted without a vote. See chap. V.]

2002/5. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Taking note of General Assembly resolution 56/ 232 of 24 December 2001 and recalling its own resolution 2001/3 of 6 April 2001,

Recalling all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling also the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia the Convention of the Organization of African Unity on the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States, self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Alarmed and concerned about the danger which the activities of mercenaries constitute to peace and security in developing countries, particularly in Africa and in small States,

Deeply concerned about the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from mercenary international criminal activities,

Convinced that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Welcomes* the report of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/2002/20);

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State, or dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right to self-determination of peoples;

5. *Welcomes* the entry into force of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;

6. *Calls upon* all States that have not yet done so to consider taking the necessary action to sign or ratify the International Convention;

7. *Welcomes* the cooperation extended by those countries that received a visit by the Special Rapporteur on mercenaries;

8. *Also welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

9. *Invites* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur;

10. *Welcomes* the efforts being made by the Office of the United Nations High Commissioner for Human Rights in the preparation of the second meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, as requested by the General Assembly in resolution 56/232;

11. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by these activities;

12. *Requests* the Special Rapporteur to continue taking into account in the discharge of its mandate that mercenary activities are continuing to occur in many parts of the world and are taking on new forms, manifestations and modalities;

13. *Urges* all States to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

14. *Requests* the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the necessary assistance and support for the fulfilment of his mandate, including through the promotion of cooperation between the Special Rapporteur and other components of the United Nations system that deal with countering mercenary-related activities;

15. *Also requests* the Special Rapporteur to consult States, intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, his findings on the use of mercenaries to undermine the right to self-determination to the Commission at its fifty-ninth session;

16. *Decides* to consider at its fifty-ninth session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the same agenda item.

37th meeting
12 April 2002
[Adopted by a recorded vote of 36 votes to 8,
with 9 abstentions. See chap. V.]

2002/6. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 56/32 of 3 December 2001, in which the Assembly declared that Israel had failed to comply with Security Council resolution 497 (1981) and demanded that Israel withdraw from all the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law, *Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/56/491) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israel's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the principle of land for peace, and expressing its concern at the stoppage of the peace process in the Middle East and its hope that peace talks will be resumed on the basis of the full implementation of Council resolutions 242 (1967) and 338 (1973) for the establishment of a just and comprehensive peace in the region,

Reaffirming also its previous relevant resolutions, the most recent being resolution 2001/6 of 18 April 2001,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council decided, inter alia, that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission at its fifty-ninth session;

7. *Decides* to include in the provisional agenda of its fifty-ninth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

37th meeting
12 April 2002
[Adopted by a recorded vote of 34 votes to 1,
with 18 abstentions. See chap. VIII.]

2002/7. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms, as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem, and recalling the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, held in Geneva on 5 December 2001,

Recalling its previous resolutions, most recently resolution 2001/8 of 18 April 2001, and taking note of General Assembly resolution 56/61 of 10 December 2001, in which, inter alia, the illegality of the Israeli settlements in the occupied territories was reaffirmed,

Expressing its concern regarding the security threats related to the presence of the settlements in the occupied territories, as expressed in the report of the Sharm el-Sheikh Fact-Finding Committee (the Mitchell Report),

1. *Welcomes* the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (E/CN.4/2002/32) and calls upon the Government of Israel to cooperate with the Special Rapporteur to allow him fully to discharge his mandate;

2. *Expresses its grave concern*:

(*a*) At the dramatic escalation of the Israeli-Palestinian conflict, which has led to a spiral of anger, hatred and further violence, and to increased suffering for both Israelis and Palestinians;

(*b*) At the continuing Israeli settlement activities, including the expansion of the settlements, the installation of settlers in the occupied territories, the expropriation of land, including agricultural land, the demolition of houses, the confiscation or destruction of property, the expulsion of Palestinians and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since all these actions are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and are a major obstacle to peace;

(*c*) At and strongly condemns all acts of violence, including all acts of terror, provocation, incitement and destruction, in particular the indiscriminate terrorist attacks over the past weeks, killing and injuring civilians;

(*d*) At the closures of and within the Palestinian territories and the restriction of the freedom of movement of the Palestinians, which contribute, together with other factors, to the intolerable level of violence that has been prevailing in the zone for more than a year;

3. *Urges* the Government of Israel:

(*a*) To comply fully with the previous Commission resolutions on the subject, most recently resolution 2001/8;

(*b*) To reverse its settlement policy in the occupied territories, including East Jerusalem, and to stop the expansion of existing settlements, including "natural growth" and related activities;

(*c*) To prevent any new installation of settlers in the occupied territories;

(*d*) To implement the recommendations regarding the settlements made by the United Nations High Commissioner for Human Rights in her report to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114);

(*e*) To take and implement measures, including confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers, and other measures to guarantee the safety and protection of the Palestinian civilians in the occupied territories;

4. *Urges* the parties to implement immediately Security Council resolutions 1397 (2002) of 12 March 2002 and 1402 (2002) of 30 March 2002, and calls for the Israeli and Palestinian sides and their leaders to cooperate in the implementation of the Palestinian-Israeli security work plan (Tenet ceasefire plan) and the Mitchell Report

recommendations with the aim of resuming negotiations on a political settlement based on Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) , 1402 (2002), 1403 (2002) of 4 April 2002 and other relevant United Nations resolutions, the principles of the Peace Conference on the Middle East, held in Madrid on 30 October 1991, the Oslo Accords and subsequent agreements, including the inadmissibility of acquisition of territory by war, the end to the occupation of 1967 and the principle of land for peace, which will allow two States, Israel and Palestine, to live in peace and security and play their full part in the region;

5. *Decides* to continue its consideration of this question at its fifty-ninth session.

38th meeting
12 April 2002
[Adopted by a recorded vote of 52 votes to 1.
See chap. VIII.]

2002/8. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as by the provisions of the Universal Declaration of Human Rights,

Recalling Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and taking note of Council resolutions 1397 (2002) of 12 March 2002, 1402 (2002) of 30 March 2002 and 1403 (2002) of 4 April 2002 that called upon both parties to move immediately to a meaningful ceasefire, as well as for withdrawal of Israeli troops and for an immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction,

Guided by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, the provisions of Additional Protocol I thereto of 1977 and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights relating to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, *Reaffirming* the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem,

Recalling General Assembly resolutions on Israeli violations of human rights in the occupied Palestinian territory, including East Jerusalem, occupied since 1967,

Recalling particularly General Assembly resolution 37/43 of 3 December 1982 reaffirming the legitimacy of the struggle of peoples against foreign occupation,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Recalling also the report of the United Nations High Commissioner for Human Rights to the Commission at its fifty-seventh session on her visit to the occupied Palestinian territories, Israel, Egypt and Jordan (E/CN.4/2001/114),

Welcoming the report of the Special Rapporteur, Mr. John Dugard (E/CN.4/2002/32),

Expressing its deep concern at the failure of the Government of Israel to cooperate with the Human Rights Inquiry Commission established pursuant to Commission resolution S-5/1 of 19 October 2000 and its failure to cooperate with other relevant rapporteurs, particularly Mr. John Dugard, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967,

Gravely concerned at the continued deterioration of the situation in the occupied Palestinian territory and at the gross violations of human rights and international humanitarian law, in particular, acts of extrajudicial killing, closures, collective punishments, the persistence in establishing settlements, arbitrary detentions, the besieging of Palestinian towns and villages, the shelling of Palestinian residential districts from warplanes, tanks and Israeli battleships, the conducting of incursions into towns and camps and the killing of men, women and children there as was the case lately in the camps of Jenin, Balata, Khan Younis, Rafah, Ramallah, Gaza, Nablus, Al-Birah, Al-Amari, Jabalia, Bethlehem and Dheisheh,

Expressing its grave concern at the continued violence and the resulting deaths and injuries, mostly among Palestinians, the toll of casualties having so far increased to over 1,200 killed and over 25,000 wounded since 28 September 2000,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968,

Expressing its grave concern at the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied Palestinian territory, including East Jerusalem, occupied by Israel since 1967, *Convinced* that the basis of negotiations and of achieving a just and lasting peace should be Security Council resolutions 242 (1967), 338 (1973) and other relevant United Nations resolutions, and include the inadmissibility of acquisition of territory by war, the need for every State in the area to be able to live in security and the principle of land for peace,

Recalling all its previous resolutions on the subject,

1. *Affirms* the legitimate right of the Palestinian people to resist the Israeli occupation in order to free its land and be able to exercise its right of self-determination and that, by so doing, the Palestinian people is fulfilling its mission, one of the goals and purposes of the United Nations;

2. *Strongly condemns* the violations by the Israeli occupation authorities of human rights in the occupied Palestinian territory, including East Jerusalem;

3. *Also strongly condemns* the Israeli occupation of the Palestinian territory as it constitutes an aggression and an offence against humanity and a flagrant violation of human rights;

4. *Further strongly condemns* the war launched by the Israeli army against Palestinian towns and camps, which has resulted so far in the death of hundreds of Palestinian civilians, including women and children;

5. *Strongly condemns* the practice of "liquidation" or "extrajudicial executions" carried out by the Israeli army against Palestinians, a practice which not only constitutes a violation of human rights norms, a flagrant violation of article 3 of the Universal Declaration of Human Rights and of the rule of law, but which is also damaging for the relationship between the parties and therefore constitutes an obstacle to peace, and urges the Government of Israel to respect international law and to cease this practice immediately;

6. *Also strongly condemns* the establishment of Israeli settlements and other related activities in the occupied Palestinian territory, including East Jerusalem, such as the construction of new settlements and the expansion of already existing ones, the expropriation of lands, the biased administration of water resources and the construction of bypass roads, all of which are not only violations of human rights and of international humanitarian law, especially article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) and Protocol I Additional to the Geneva Conventions which categorized such violations as war crimes, but are also major obstacles to peace, urges the Government of Israel to implement the relevant United Nations resolutions as well as the resolutions of the Commission on Human Rights relative to the Israeli settlements, and affirms that the dismantling of the Israeli settlements constitutes an essential factor for achieving a just, comprehensive and lasting peace in the region;

7. *Condemns* the expropriation of Palestinian homes in Jerusalem, the revocation of identity cards of the citizens of East Jerusalem, the imposition of fabricated and exorbitant taxes with the aim of forcing the Palestinian citizens of Jerusalem, who cannot afford to pay these high taxes, out of their homes and out of their city, preparing in this way the path for the Judaization of Jerusalem, and calls upon the Government of Israel to put an end immediately to these practices;

8. *Also condemns* the use of torture against Palestinians during interrogation, as it constitutes a grave violation of the principles of international humanitarian law, and of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is also a violation of article 5 of the Universal Declaration of Human Rights, and calls upon the Government of Israel to put an end immediately to such practices and to bring the perpetrators of these violations to trial;

9. *Strongly condemns* the setting on fire of the Church of the Nativity and the Omar Ibn Al-Khattab mosque in Bethlehem and the shelling with artillery fire of the Al-Baik and Al-Kabir mosques in Nablus;

10. *Also strongly condemns* the offensives of the Israeli army of occupation against hospitals and sick persons and the use of Palestinian citizens as human shields during Israeli incursions into Palestinian areas;

11. *Further strongly condemns* opening of fire by the Israeli army of occupation on ambulances and paramedical personnel and its preventing ambulances and cars of the International Committee of the Red Cross from reaching the wounded and the dead in order to transport them to hospital, thus leaving the wounded bleeding to death in the streets;

12. *Strongly condemns* the refusal by the Israeli army of occupation to allow the burial of dead Palestinians, thus obliging their families to bury the bodies of their loved ones in the available space around their homes and in hospitals;

13. *Expresses its grave concern* at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory, and particularly at acts of mass killing perpetrated by the Israeli occupying authorities against the Palestinian people;

14. *Expresses its deep concern* at the military siege imposed on the Palestinian territory and the isolation of Palestinian towns and villages from each other through the establishment of military roadblocks that are used as a trap to kill Palestinians, which contribute, together with other factors, to the acts of violence that have been prevailing in the region for over a year and a half, calls upon the Government of Israel to immediately put an end to this practice and immediately lift its military siege of Palestinian towns and villages, and reaffirms that these collective punishments are prohibited under international law and constitute a grave violation of the provisions of the Fourth Geneva Convention and Protocol I Additional to the Geneva Conventions;

15. *Expresses its grave concern* at the restriction of movement imposed on Chairman Yasser Arafat by the Israeli occupying authorities, in violation of articles 9 and 13 of the Universal Declaration of Human Rights;

16. *Expresses its deep concern* at the massive arrests conducted by the Israeli occupying authorities against a large number of Palestinians and also at the continued detention of thousands of Palestinians without any criminal charges having been brought against them, in violation of article 9 of the Universal Declaration of Human Rights and the provisions of the Fourth Geneva Convention in this respect;

17. *Affirms anew* that the demolition by the Israeli occupying forces of over 1,200 houses owned by Palestinian families is a grave violation of articles 33 and 53 of the Fourth Geneva Convention and that levelling farmlands, uprooting trees and destroying the infrastructure of Palestinian society constitute grave violations of the provisions of international humanitarian law and a form of collective punishment against the Palestinian people;

18. *Reaffirms* that the Fourth Geneva Convention is applicable to the Palestinian territory occupied by Israel since 1967, including East Jerusalem, and considers any change in the geographical, demographic and institutional status of the city of East Jerusalem from its status prior to the June 1967 war to be illegal and void;

19. *Welcomes* the declaration adopted by the Conference of the High Contracting Parties to the Fourth Geneva Convention, which was held in Geneva on 5 December 2001, and calls upon the High Contracting Parties to follow up on the implementation of the declaration;

20. *Calls upon* Israel, the occupying Power, to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other occupied Arab territories, and to respect the principles of international law and international humanitarian law, the Universal Declaration of Human Rights, its international commitments and the agreements it signed with the Palestine Liberation Organization;

21. *Also calls upon* Israel to withdraw from the Palestinian territory, including East Jerusalem, occupied since 1967, in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights, as a basic condition for achieving a just, lasting and comprehensive peace in the Middle East;

22. *Calls upon* the relevant United Nations organs urgently to consider the best ways to provide the necessary international protection for the Palestinian people until the cessation of the Israeli occupation of its territory;

23. *Welcomes anew* the recommendations contained in the report of the United Nations High Commissioner for Human Rights and those contained in the report of the Human Rights Inquiry Commission (E/CN.4/2001/121), urges the Government of Israel to implement them and requests the Special Rapporteur on the situation of human rights in the

Palestinian territory occupied since 1967, acting as a monitoring mechanism, to follow up on the implementation of these recommendations and to submit reports thereon to the General Assembly at its fifty-seventh session and to the Commission on human rights at its fifty-ninth session;

24. *Requests* the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-ninth session;

25. *Also requests* the Secretary-General to provide the Commission with all United Nations reports issued between the sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

26. *Decides* to consider this question at its fifty-ninth session under the same agenda item, as a matter of high priority.

39th meeting
15 April 2002
[Adopted by a recorded vote of 40 votes to 5,
with 7 abstentions. See chap. VIII.]

2002/9. Combating defamation of religions

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also its resolutions 1999/82 of 30 April 1999, 2000/84 of 26 April 2000 and 2001/4 of 18 April 2001,

Reaffirming that discrimination against human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Welcoming the designation by the General Assembly of the year 2001 as the United Nations Year of Dialogue among Civilizations,

Recalling the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000, welcoming the resolve expressed in the Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels, including in the context of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Welcoming the proclamation by the General Assembly in its resolution 56/6 of 9 November 2001 of the Global Agenda for Dialogue among Civilizations,

Welcoming also the adoption of the Durban Declaration and Programme of Action by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Expressing deep appreciation to the Government of Turkey for hosting the Joint Organization of the Islamic Conference-European Union Forum entitled "Civilization and Harmony: The Political Dimension", in Istanbul on 12 and 13 February 2002, and welcoming its outcome,

Alarmed at the impact of the events of 11 September 2001 on Muslim minorities and communities in some non-Muslim countries and the negative projection of Islam, Muslim values and traditions by the media, as well as at the introduction and enforcement of laws that specifically discriminate against and target Muslims,

Recognizing the need to promote tolerance, understanding among different cultures and mutual appreciation of cultural and religious values,

Underscoring the importance of respecting the values of all cultures, religions and civilizations for achieving a truly globalized world,

Recognizing the valuable contributions of all religions towards modern civilization,

Bearing in mind the valuable contributions that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of the human rights of their adherents,

Recognizing the incompatibility of defamation of religions and cultures with the objectives of a truly globalized world and the promotion and maintenance of international peace and security,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Stressing the need to recognize and appreciate religious and cultural diversity and differences in perception and values, *Underlining* the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

1. *Expresses deep concern* at negative stereotyping of religions;

2. *Also expresses deep concern* that Islam is frequently and wrongly associated with human rights violations and with terrorism;

3. *Notes with concern* the intensification of the campaign of defamation of religions, and the ethnic and religious profiling of Muslim minorities, in the aftermath of the tragic events of 11 September 2001;

4. *Expresses its concern* at any role in which the print, audio-visual or electronic media or any other means are used to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam and any other religion;

5. *Expresses deep concern* at programmes and agendas pursued by extremist organizations and groups aimed at defamation of religions, in particular when supported by Governments;

6. *Urges* all States, within their national legal framework, in conformity with international human rights instruments, to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

7. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions, in particular of Muslims in many parts of the world;

8. *Encourages* States, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions and to take all possible measures to promote tolerance and respect for all religions and their value systems;

9. *Confirms* the need to enhance knowledge about civilizations and cultures through communication and cooperation for the promotion of common universal values such as those enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments;

10. *Calls upon* the international community to initiate a global dialogue to promote a culture of tolerance based on respect for all human rights and respect for religious diversity and urges the international print and electronic media to support and promote such a dialogue;

11. *Calls upon* the United Nations High Commissioner for Human Rights to promote and include human rights aspects in the dialogue among civilizations, inter alia through:

(*a*) Integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity;

(*b*) Collaboration by the Office of the United Nations High Commissioner for Human Rights with other relevant international organizations in holding joint conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels;

12. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to submit a preliminary report on his findings for consideration by the Commission at its next session;

13. *Requests* the High Commissioner to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

14. *Decides* to consider this matter at its fifty-ninth session, under the same agenda item.

39th meeting
15 April 2002
[Adopted by a recorded vote of 30 votes to 15,
with 8 abstentions. See chap. VI.]

2002/10. Human rights situation of Lebanese detainees in Israel

The Commission on Human Rights,

Recalling the report of the Secretary-General on the implementation of Security Council resolutions 425 (1978) and 426 (1978) of 19 March 1978 (S/2000/460), in particular paragraphs 7, 8, 12, 14, 16, 17, 21 and 48, endorsed by the Council (S/PRST/2000/18),

Taking note of Security Council resolution 1391 (2002) of 28 January 2002, in particular of paragraph 11, in which the Council stressed the necessity to provide the Government of Lebanon and the United Nations Interim Force in Lebanon with any additional maps and records on the location of mines,

Gravely concerned at the persistent violation by Israel of the principles of international law regarding the protection of human rights, in particular those contained in the Universal Declaration of Human Rights, as well as the grave violation of the relevant provisions of international humanitarian law contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Additional Protocols to the Geneva Convention of 1977,

Censuring breaches by Israel of the sovereignty and territorial integrity of Lebanon,

Hoping that the efforts to implement the Security Council resolutions on the occupied Arab territories, including resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and to achieve peace in the Middle East will put an end to the violations of human rights being committed by Israel and that the peace negotiations will be resumed and conducted with a view to reaching a just and comprehensive peace in the region,

Gravely concerned about the hundreds of thousands of landmines left behind by Israel in southern Lebanon, which have so far caused hundreds of deaths and injuries to civilians, including women and children,

Deploring the failure of the Government of Israel to submit all the maps showing the deployment of those landmines,

Condemning the persistent detention, ill-treatment and torture by Israel of many Lebanese civilians who were abducted and detained in Lebanon and subsequently transferred to prisons in Israel,

Expressing its indignation at the ruling handed down on 4 March 1998 by the Supreme Court of Israel permitting the Israeli authorities to retain Lebanese detainees in Israeli prisons without trial and to hold them as hostages and for bargaining purposes and the recent renewal of their incommunicado detention, which constitutes a flagrant violation of the principles of human rights,

Reaffirming its resolution 2001/10 of 18 April 2001, and expressing its deep regret at the failure of the Government of Israel to implement that resolution fully,

1. *Calls upon* the Government of Israel to comply with the Geneva Conventions for the protection of the victims of war and the Additional Protocols thereto;

2. *Also calls upon* the Government of Israel to refrain from holding the detained Lebanese citizens incarcerated in its prisons as hostages for bargaining purposes and to release them immediately, in compliance with all the Geneva Conventions and other provisions of international law;

3. *Affirms* the obligation of Israel to commit itself to allowing the International Committee of the Red Cross to visit the detainees regularly, as well as to allowing other international humanitarian organizations to do so and to verify their sanitary and humanitarian conditions and, in particular, the circumstances of their detention;

4. *Calls upon* the Government of Israel to submit to the United Nations Interim Force in Lebanon all the maps of the landmine fields laid throughout the civilian villages, fields and farms, causing casualties among civilians, including children and women, and obstructing the resumption of normal life in the area;

5. *Requests* the Secretary-General:

(*a*) To bring the present resolution to the attention of the Government of Israel and to call upon it to comply with its provisions;

(*b*) To report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the results of his efforts in this regard;

6. *Decides* to continue its consideration of the situation of the Lebanese detainees at its fifty-ninth session.

47th meeting
19 April 2002
[Adopted by a recorded vote of 34 votes to 2,
with 17 abstentions. See chap. IX.]

2002/11. Assistance to Equatorial Guinea in the field of human rights

The Commission on Human Rights,

Recalling its resolution 2001/22 of 20 April 2001, in which it decided to renew the mandate of the Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea and to make recommendations on technical assistance in this field,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights,

Recalling also Economic and Social Council decision 1993/277 of 28 July 1993 and previous resolutions of the Commission on the subject, *Recalling further* that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations and welcoming the willingness of the Government of Equatorial Guinea to cooperate with the appropriate United Nations agencies in this field,

Recognizing the political will repeatedly shown by the Government of Equatorial Guinea to continue to make progress in the field of human rights and fundamental freedoms and the fulfilment of its pledge to take definitive steps in this direction,

Noting with appreciation that the Government of Equatorial Guinea has cooperated fully with the Special Representative and has granted him full facilities to carry out his mandate,

Noting with satisfaction that the Government of Equatorial Guinea has cooperated with both the Red Cross of Equatorial Guinea and the International Committee of the Red Cross by facilitating visits to places of incarceration and by improving basic prison conditions,

Welcoming the sustained efforts by the Government of Equatorial Guinea to hold a dialogue with the political parties and civil society in the country,

Noting with great appreciation that the Government of Equatorial Guinea has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recognizing that the Government of Equatorial Guinea has adopted concrete measures to strengthen both the independence and the integrity of the judicial system, such as separating the jurisdictions of civilian and military courts, establishing the mechanism of judicial agents to protect the rights of detainees, and creating the Higher Council of the Judiciary to oversee the implementation of the judicial reform,

Noting that the Government of Equatorial Guinea has taken steps to protect freedom of the movement within the country and the right of nationals to leave and enter the country freely,

Noting also the growth and development of civil society in Equatorial Guinea, as well as the expansion of the media,

Welcoming efforts by the Government of Equatorial Guinea, in cooperation with United Nations agencies, to embark on comprehensive programmes in the fields of health, education, welfare and the rights of women and children,

1. *Takes note* of the report of the Special Representative on the situation of human rights in Equatorial Guinea (E/CN.4/2002/40);

2. *Encourages* the Government of Equatorial Guinea to continue its efforts to adopt effective measures to protect and strengthen the human rights situation in the country;

3. *Welcomes* the willingness of the Government of Equatorial Guinea to implement a national human rights action plan and, for that purpose, encourages the Government to discuss and to agree on a comprehensive programme of technical assistance with the Office of the United Nations High Commissioner for Human Rights;

4. *Calls upon* the specialized bodies and agencies of the United Nations, as well as donor countries and any other international institutions present in the country, to assist the Government of Equatorial Guinea in strengthening those national institutions that promote and protect human rights and fundamental freedoms;

5. *Decides* to end the mandate of the Special Representative to monitor the situation of human rights in Equatorial Guinea;

6. *Also decides* to examine the question of technical assistance to Equatorial Guinea in the field of human rights at its fifty-ninth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

47th meeting
19 April 2002
[Adopted by a recorded vote of 32 votes to 1,
with 20 abstentions. See chap. IX.]

2002/12. Situation of human rights in Burundi

The Commission on Human Rights,

Mindful of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment to respect for the principles of the rule of law, which involve democracy, pluralism and respect for human rights and fundamental freedoms,

Stressing that States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 2001/21 of 20 April 2001,

Considering Security Council resolutions 1072 (1996) of 30 August 1996, 1286 (2000) of 19 January 2000 and 1375 (2001) of 29 October 2001, as well as the statements by the President of the Security Council of 12 November 1999 (S/PRST/1999/32), of 29 June 2001 (S/PRST/2001/17), of 26 September 2001 (S/PRST/2001/26), of 8 November 2001 (S/PRST/2001/33), of 15 November 2001 (S/PRST/2001/35) and of 7 February 2002 (S/PRST/2002/3),

Recalling that the primary responsibility for peace lies with the Government and people of Burundi, *Acknowledging* the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundi crisis,

Mindful of the need to ensure the safety of all humanitarian workers in accordance with the principles of international law,

Welcoming the signing of the Arusha Agreement on peace and reconciliation in Burundi on 28 August 2000, its ratification by the Burundian National Assembly and the adoption by the National Assembly of a transitional Constitution,

Recalling the decision of the Organization of African Unity of July 2000 (CM/Dec.522 (LXXII) Rev.1), the statement by the President of the Security Council of 2 March 2001 (S/PRST/2001/6) and the statement issued by the Presidency of the European Union on 6 March 2001, all on Burundi,

Hailing the establishment of the Arusha Agreement Implementation Monitoring Committee and the setting up of its headquarters in Burundi,

Recognizing the personal contribution of the late Mr. Julius K. Nyerere to the Arusha negotiation process and the facilitation work by the former President of South Africa, Mr. Nelson Mandela, which has already yielded tangible results, including the signature of the Arusha Agreement,

Considering that effective action to prevent further violations of human rights and fundamental freedoms is essential to the stability and reconstruction of Burundi and the lasting restoration of the rule of law,

Recognizing the important role of women in the reconciliation process and the search for peace,

Welcoming the invitation extended by the Facilitator to Burundi women's representatives to participate as observers in the Arusha negotiation process,

1. *Takes note* of the report by the Special Rapporteur on the situation of human rights in Burundi (E/CN.4/2002/49);

2. *Supports* the transitional institutions set up in the context of the implementation of the Arusha Agreement, namely, the Transitional National Assembly, the Transitional Senate as well as the Transitional Government, and encourages the implementation of the reforms provided for in the Arusha Agreement;

3. *Encourages* the Transitional Government to continue its actions aimed at associating all sectors of society in the work of national reconciliation and at the restoration of a safe, generally reassuring institutional order so as to bring back democracy and peace in the interest of the Burundian population;

4. *Urges* the Transitional Government to pursue the goal of ensuring the equal participation of women in Burundian society and improving their living conditions, in particular by taking legislative initiatives with regard to succession and systems of matrimonial property;

5. *Remains concerned* at the ongoing violence and the security situation in parts of the country, forcing many people to leave their homes;

6. *Condemns* the intensifying violence and urges all parties to the conflict to end the cycle of violence and killings, especially blind violence against the civilian population;

7. *Enjoins* all parties, namely, the Transitional Government, the signatories of the Arusha Agreement and the armed groups, in particular the Forces pour la défense de la démocratie and the Forces nationales de libération, to negotiate towards agreement on a ceasefire in order to bring about the full implementation of the Arusha Agreement;

8. *Expresses its concern* at the situation of displaced persons, and deplores in particular the unacceptable living conditions in the displaced persons sites, and recommends that the Transitional Government, United Nations specialized agencies and non-governmental organizations provide humanitarian assistance;

9. *Notes* the continuing voluntary repatriation of refugees hosted in Tanzania, pursuant to the tripartite agreements between the Office of the United Nations High Commissioner for Refugees and the Tanzanian and Burundian Governments, and calls on the parties concerned to establish conditions for voluntary and permanent return in full security;

10. *Welcomes* the willingness of the Transitional Government to find agreed solutions to the sensitive problem of the persons affected by the war through the establishment of the Standing Consultation Machinery for the Protection of Displaced Persons, which is composed of representatives of the Transitional Government and humanitarian organizations;

11. *Notes* the efforts by the Burundian authorities to ensure that established legal safeguards for human rights and international human rights standards are fully respected, but expresses its deep concern at the continuing violations of human rights and international humanitarian law;

12. *Invites* the Transitional Government to take more measures, including in the judicial sphere, to put an end to impunity, in particular by bringing to trial those responsible for violations of human rights and of international humanitarian law, in accordance with relevant international principles, and urges the Transitional Government to accelerate specific procedures for the investigation and prosecution of such violations;

13. *Welcomes* the signature by Burundi of the Rome Statute of the International Criminal Court (A/CONF.183/9) and encourages the Transitional Government to ratify it;

14. *Welcomes also* the entry into force, in January 2000, of the new Code of Criminal Procedure, exhorts the Transitional Government to continue to carry out the plan of legal reform better to protect individual freedoms and to make its judicial institutions more effective and transparent, and urges the authorities to address the questions of the length of pre-trial detention and conditions of detention;

15. *Welcomes further* the work carried out by the independent commission on questions relating to prisoners and urges the Transitional Government to ensure that it is properly followed up;

16. *Welcomes* the continuing cooperation between the Transitional Government and the International Committee of the Red Cross with regard to access and visits to detainees held in central prisons and other places of detention;

17. *Condemns* all attacks on humanitarian workers and adjures the parties to the conflict to abstain rigorously from any action liable to hamper operations by the International Committee of the Red Cross and other humanitarian assistance to those affected by the war;

18. *Takes note* of the efforts in the struggle against impunity and for the promotion of human rights on the part of the Transitional Government, including the establishment of a Government commission on human rights, and encourages the Transitional Government to strengthen that commission;

19. *Supports* the continuation by the Office of the United Nations High Commissioner for Human Rights of the programme of assistance for members of the armed forces and the police in the field of human rights and legal assistance;

20. *Urges* all parties to the conflict to end the use of children as soldiers and welcomes the commitment made in that regard by the Transitional Government and the signature of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and encourages the Transitional Government to ratify it;

21. *Adjures* all parties to the conflict in Burundi to work constructively with the international mediators and, consequently, supports the efforts by the President of Gabon, Mr. Bongo, and the Vice-President of South Africa, Mr. Zuma, aimed at securing a speedy agreement on a ceasefire between the Transitional Government and the armed groups;

22. *Expresses its appreciation* of the efforts by the mediators of the United Nations, the Organization of African Unity and the European Union in the search for a lasting solution to the problems of Burundi;

23. *Encourages* the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing any further deterioration of the situation;

24. *Reaffirms* that respect for human rights and international humanitarian law as well as development contribute to peace, and thus welcomes the call made by the Security Council in its resolution 1234 (1999) of 9 April 1999 for an international conference on peace, security and stability in the Great Lakes region;

25. *Commends* the Human Rights Observer Mission in Burundi for the activities it is conducting in the field, welcomes the cooperation afforded to it by the Transitional Government, and calls, on the one hand, for the strengthening of that observer mission through voluntary contributions and, on the other, for full participation by the Office of the High Commissioner in Burundi in the implementation of the Arusha Agreement;

26. *Condemns* the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

27. *Requests* States not to allow their territories to be used as bases for incursions or attacks against another State in violation of the principles of international law, including the Charter of the United Nations;

28. *Urges* States and international, governmental and non-governmental organizations to coordinate planning initiatives so as to promote sustainable development with a view to encouraging reconstruction and reconciliation;

29. *Welcomes* the display of solidarity given by the international community at the Donors Conference held in Paris in December 2000 at the initiative of former President of South Africa, Mr. Mandela, backed by the President of France, Mr. Chirac, as well as that given at the round table conference for Burundi held in Geneva in December 2001;

30. *Urges* donors to continue to deliver on the commitments made at the Donors Conference and at the Geneva round table conference in order to provide an impetus for the new peace process;

31. *Calls upon* the Transitional Government to take action to establish a security environment conducive to the work of aid organizations, and invites the United Nations and donors to augment the flow of humanitarian assistance to those in need;

32. *Decides* to extend the mandate of the Special Rapporteur by one year and to request her to submit an interim report on the human rights situation in Burundi to the General Assembly at its fifty-seventh session and a report to the Commission at its fifty-ninth session, giving her work a gender-specific dimension.

47th meeting
19 April 2002
[Adopted without a vote. See chap. IX.]

2002/13. Situation of human rights in parts of south-eastern Europe

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the 1951 Convention relating to the Status of Refugees and its Protocol, the Convention on the Prevention and Punishment of the Crime of Genocide, the Guiding Principles on Internal Displacement, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the principles and commitments undertaken by participating States of the Organization for Security and Cooperation in Europe, the Helsinki Final Act and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling all relevant resolutions, statements and reports on this subject, in particular Commission on Human Rights resolution 2001/12 of 18 April 2001, General Assembly resolution 56/172 of 19 December 2001, the statement made on 24 March 1998 by the Chairman of the Commission at its fifty-fourth session, Commission resolutions 1998/79 of 22 April 1998, 1999/2 of 13 April 1999 and 2000/26 of 18 April 2000 and the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Kosovo, Federal Republic of Yugoslavia (E/CN.4/2000/10),

Recalling also Security Council resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, 1239 (1999) of 14 May 1999 and 1244 (1999) of 10 June 1999 and the general principles annexed thereto, 1345 (2001) of 21 March 2001, 1367 (2001) of 10 September 2001 and 1371 (2001) of 26 September 2001, and taking note of Council resolutions 1387 (2002) of 15 January 2002 and 1396 (2002) of 5 March 2002,

Expressing its full support for and encouraging efforts towards the full implementation of commitments contained in the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively called the "Peace Agreement") which, inter alia, committed the parties in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to respect human rights fully, in particular the right of return of refugees and internally displaced persons,

Stressing the obligation of the authorities of the Federal Republic of Yugoslavia and of all parties in Kosovo to cooperate fully in the implementation of Security Council resolution 1244 (1999) and of the general principles annexed thereto,

Recalling that at the Zagreb Summit on 24 November 2000 the States of the region endorsed the objectives and conditions of the European Union Stabilization and Association Process on an individual basis, stating in particular that democracy, reconciliation and regional cooperation were closely linked to the approach of each and every one of them to the European Union, and committed themselves to guarantee the democratic principles, to consolidate the rule of law and to respect human rights fully, especially the rights of persons belonging to national minorities,

1. *Stresses* the need to protect, promote and respect human rights and fundamental freedoms, to consolidate effective, functioning democratic institutions, to strengthen civil society and to promote regional reconciliation and cooperation;

2. *Welcomes* the progress made in the human rights situation in the region and the international contributions to promoting human rights;

3. *Urges* the States and parties of the region to undertake additional efforts to enforce effectively international human rights standards for persons belonging to national or ethnic, religious and linguistic minorities and in this regard welcomes the adoption of laws on minorities in some countries and urges those countries which have not yet adopted such laws to do so;

4. *Stresses* the need for further strengthening of cross-border efforts to foster the prompt and voluntary return of displaced persons and refugees in safety and dignity throughout the region;

5. *Condemns* the ethnically motivated violence, including the continued harassment, intolerance and discrimination against returning refugees and internally displaced persons;

6. *Calls upon* the authorities of the region to consolidate the rule of law by providing effective judicial mechanisms which protect the rights and fundamental freedoms of all citizens, regardless of their ethnic origin;

7. *Urges* all authorities in the region to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia, as required by Security Council resolution 827 (1993) of 25 May 1993 and all subsequent relevant resolutions, and in particular to comply with their obligations to arrest immediately and transfer to the custody of the Tribunal all those indicted persons present in their territories or under their control, to give the Tribunal full access to eyewitnesses and archives and to guarantee adequate protection to victims and eyewitnesses;

8. *Reiterates its call* upon all States and parties to the Peace Agreement to ensure that the promotion and protection of human rights and fundamental freedoms and effective, functioning democratic institutions will be central elements in developing civilian structures consistent with the territorial integrity of all States in the region, within their internationally recognized borders, taking fully into account all relevant Security Council resolutions;

9. *Underlines* the importance of consistent efforts to establish the fate of missing persons and encourages all States and all parties to cooperate fully with the organizations involved in these efforts, especially the International Committee of the Red Cross and the International Commission on Missing Persons;

10. *Encourages* the international community to continue providing assistance to meet pressing human rights and humanitarian needs in the region;

11. *Welcomes* the report of the Special Representative of the Commission with a mandate to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (E/CN.4/2002/41 and Add.1), which reflects the commitment to and progress made on human rights and democratic principles in the countries covered by his mandate;

12. *Also welcomes* the admission of Bosnia and Herzegovina to the Council of Europe and the adoption of the Electoral Law;

13. *Urges* the authorities of Bosnia and Herzegovina to complete fully and urgently the implementation of the Agreement on the Implementation of the Constituent Peoples' Decision of the Constitutional Court of Bosnia and Herzegovina to secure equal treatment to all citizens regardless of their ethnic background, encourages them to strengthen central State institutions and calls on them, and particularly on the Republika Srpska authorities, to fully cooperate with the International Criminal Court for the Former Yugoslavia, as all these measures are decisive for lasting stabilization, reconciliation and return and integration of refugees and internally displaced persons;

14. *Welcomes* the adoption of the Federal Law on Protection of the Rights and Freedoms of National Minorities by the Government of the Federal Republic of Yugoslavia and its accession to the Council of Europe Framework Convention for the Protection of National Minorities;

15. *Calls upon* the Yugoslav authorities to continue their efforts to fulfil the conditions for membership of the Council of Europe and encourages them to continue to make progress in ensuring respect for the rule of law and for the promotion and protection of human rights and fundamental freedoms, in particular by providing full cooperation to the International Criminal Tribunal for the Former Yugoslavia, re-establishing full civilian rule over the armed forces and respecting international standards of freedom of the media and public information;

16. *Welcomes* the decision by the Government of the Federal Republic of Yugoslavia to transfer ethnic Albanian prisoners from Kosovo to the custody of the United Nations Interim Administration Mission in Kosovo and calls on the Administration Mission and the authorities in Belgrade to make further concrete progress on the issues identified in the Common Document on cooperation between the Administration Mission and the authorities of the Federal Republic of Yugoslavia signed on 5 November 2001, particularly the return of displaced persons to Kosovo and efforts to trace those still missing from all of the communities of Kosovo;

17. *Also welcomes* the establishment of provisional self-governing institutions and the progress concerning the rule of law in Kosovo as important steps towards the full implementation of Security Council resolution 1244 (1999) and the establishment of a democratic and multi-ethnic society in Kosovo, and to this end, encourages the newly elected authorities of Kosovo to pursue their mandate to the benefit of all the citizens of Kosovo, in cooperation with the Administration Mission;

18. *Calls upon* Albanian political leaders from Kosovo and leaders of the Albanian community in southern Serbia publicly to support action against extremism and to use their influence to block support for extremists in Kosovo, in southern Serbia and in The former Yugoslav Republic of Macedonia as a means of securing peace and the protection of human rights;

19. *Decides* to extend for one year the mandate of the Special Representative of the Commission to examine the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia;

20. *Requests* the Special Representative to report to the Commission at its fifty-ninth session;

21. *Calls upon* all Governments and all parties to cooperate fully with the Special Representative in carrying out his work;

22. *Decides* to consider this matter further at its fifty-ninth session.

47th meeting
19 April 2002
[Adopted without a vote. See chap. IX.]

2002/14. Situation of human rights in the Democratic Republic of the Congo

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Geneva Conventions of 12 August 1949 for the protection of victims of war and Additional Protocol I of 1977 thereto, as well as to the African Charter on Human and Peoples' Rights,

Taking note of General Assembly resolution 56/173 of 19 December 2001, recalling previous resolutions of the Assembly and the Commission on the subject, as well as Security Council resolutions 1304 (2000) of 16 June 2000, 1332 (2000) of 14 December 2000, 1341 (2001) of 22 February 2001, 1355 (2001) of 15 June 2001 and 1376 (2001) of 9 November 2001, and also taking note of Council resolution 1399 (2002) of 19 March 2002, *Recalling* the Ceasefire Agreement signed at Lusaka, as well as the Kampala disengagement plan and Harare sub-plans for disengagement and redeployment,

Concerned at all violations of human rights and international humanitarian law in the territory of the Democratic Republic of the Congo by parties to the conflict, as mentioned in the reports of the Special Rapporteur, including acts of and incitement to ethnic hatred and violence, and especially at the alarming situation in the parts of the country controlled by the rebels,

Recognizing that promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Noting with satisfaction that the inter-Congolese dialogue has indeed begun, and encompasses all the Congolese parties,

Recalling its decision to request the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo, while regretting that the security situation has not yet allowed such a mission,

Encouraging the Government of the Democratic Republic of the Congo to fulfil its earlier commitments, including to the United Nations High Commissioner for Human Rights, to restore and reform its judicial system in accordance with relevant international conventions, and to put an end to the trying of civilians by the Military Court,

Welcoming the continuing dialogue between the authorities of the Democratic Republic of the Congo and Burundi, urging them to continue their efforts and emphasizing in this respect that the settlement of the crisis in Burundi would contribute positively to the settlement of the conflict in the Democratic Republic of the Congo,

1. *Welcomes*:

(*a*) The various reports submitted by Mr. Roberto Garretón, the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(*b*) The mission by the Special Rapporteur, Mr. Garretón, from 20 July to 1 August 2001, and the recent visit undertaken by his successor, Ms. Iulia-Antoanella Motoc, from 13 to 19 February 2002, to evaluate the current situation in the country;

(*c*) The activities of the Human Rights Field Office in the Democratic Republic of the Congo, while encouraging the Government to work with and to strengthen further its cooperation with the Office;

(*d*) The statements by the President of the Democratic Republic of the Congo that no more children will be recruited as soldiers and, in that connection, the ratification by the Democratic Republic of the Congo of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the commitment by the Government of the Democratic Republic of the Congo to cooperate with the United Nations bodies and non-governmental organizations in ensuring the demobilization and reintegration of child soldiers, and measures undertaken by the Government in this respect, and encourages other parties to the conflict to do the same;

(*e*) The continued presence and increased deployment of the United Nations Organization Mission in the Democratic Republic of the Congo in support of the implementation of the Lusaka Ceasefire Agreement and the relevant Security Council resolutions;

(*f*) The meeting held in Gaborone from 20 to 24 August 2001 to prepare for inter-Congolese dialogue, the signature by all the parties concerned of a declaration undertaking to release all prisoners of conscience, permit the free movement of goods and persons and protect the civilian population, and the continuing inter-Congolese dialogue in Sun City, South Africa, facilitated by Sir Ketumile Masire;

(*g*) The release by the Government of the Democratic Republic of the Congo of human rights defenders and its lifting of some restrictions on non-governmental organizations, including the formalities to be undergone before being allowed to set up and operate;

(*h*) The adoption by the Government of the Democratic Republic of the Congo of the Political Parties Act, No. 001 of 17 May 2001, and the prospects for openness and tolerance that that holds out, and invites the Government to persevere in this course and ensure that the law is fully upheld to the benefit of all political trends in the Democratic Republic of the Congo;

(*i*) The work of the Special Representative of the Secretary-General for the Democratic Republic of the Congo and Chief of the United Nations Organization Mission in the Democratic Republic of the Congo;

(*j*) The announcement by President Kabila that the Military Court shall no longer try civilians, and urges that trials of civilians by the Military Court should cease entirely and all detention centres not under the control of the Public Prosecutor's Office should close;

(*k*) The commitment by the President of the Democratic Republic of the Congo to improve the human rights situation, including his participation at the fifty-seventh session of the Commission, while encouraging him to translate his commitment into concrete action;

(*l*) The National Human Rights Conference, held from 24 to 30 June 2001, and the efforts that have led to an improvement in the human rights situation in the Democratic Republic of the Congo;

2. *Expresses its concern*:

(*a*) At the adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo, including the increase in the number of refugees and displaced persons, in particular in the eastern part of the country;

(*b*) At the situation of human rights in the Democratic Republic of the Congo, particularly in areas held by armed rebels or under foreign occupation, and at the continuing violations of human rights and international humanitarian law, including atrocities against civilian populations generally committed with complete impunity, while stressing in this context that occupying forces should be held responsible for human rights violations in territory under their control, and in particular condemns:

(i) All massacres and atrocities committed in the Democratic Republic of the Congo as constituting indiscriminate and disproportionate use of force, in particular those occurring in areas held by armed rebels or under foreign occupation;

(ii) The occurrence of cases of summary and arbitrary execution, disappearance, torture, beating, harassment and arrest, the persecution of many individuals and the arbitrary detention for long periods of persons including journalists, opposition politicians, human rights defenders, people who have cooperated with the United Nations mechanisms and other members of civil society;

(iii) The widespread use of sexual violence against women and children, including as a means of warfare;

(iv) The continued recruitment and use of child soldiers by armed forces and groups including recruitment and abduction of children in the territory of the Democratic Republic of the Congo, in particular in North and South Kivu and in the Orientale Province;

(v) The long and arbitrary custodial sentences handed down by the Military Court;

(vi) The summary sentencings to death and executions carried out by the Congolese Rally for Democracy (Goma) and the occupying forces;

(vii) The indiscriminate attacks on civilian populations, including on hospitals, in areas held by rebel and by foreign forces;

(viii) The resumption of fighting in the east which continues to produce many casualties among the civilian population;

(ix) The resumption of fighting around Moliro and the capture of Moliro by the Congolese Rally for Democracy (Goma), and affirms that this constitutes a major breach of the ceasefire;

(x) The reprisals against civilian populations in parts of the country controlled by the Congolese Rally for Democracy and Rwanda, on the one hand, and by breakaway groups of the Congolese Liberation Front and Uganda, on the other;

(*c*) The conflicts between the Hema and the Lendu ethnic groups in Orientale Province, where thousands of Congolese have already been killed and where Uganda, in de facto control of the area, is responsible for upholding respect for human rights;

(*d*) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

(*e*) The violations of the freedoms of expression, opinion, association and assembly throughout the Democratic Republic of the Congo, more especially in the east;

(*f*) Acts of intimidation and persecution of representatives of the Churches, and killings of such persons in the eastern part of the country;

(*g*) The severe prevailing insecurity, which seriously affects the ability of humanitarian organizations to secure access to affected populations, especially in areas held by armed rebels or under the control of foreign forces, and condemns the killings of six International Committee of the Red Cross humanitarian workers on 26 April 2001 in Ituri Province, the perpetrators of which must be brought to justice;

(*h*) The illegal exploitation of the natural resources of the Democratic Republic of the Congo, in view of the link between that exploitation and the continuation of the conflict, and the systematic violation of the Congolese population's human rights, and demands of the individuals, Governments and armed groups involved in the conflict that that exploitation should cease, emphasizing that the country's natural resources should not serve to finance the conflict;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To facilitate the re-establishment, without delay, of the sovereignty and territorial integrity of the Democratic Republic of the Congo in accordance with the Lusaka Ceasefire Agreement and relevant Security Council resolutions;

(*b*) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977, the Hague Convention of 18 October 1907 concerning the Laws and Customs of War on Land, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant provisions of international humanitarian, human rights and refugee law, and in particular to respect the rights of women and children and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country, regardless of their origin;

(*c*) To ensure the safety, security and freedom of movement of United Nations and associated personnel and the unhindered access of humanitarian personnel to all affected populations throughout the territory of the Democratic Republic of the Congo;

(*d*) To cease all military activity in the Democratic Republic of the Congo which is in breach of the Lusaka Ceasefire Agreement, the Kampala disengagement plan together with the Harare sub-plans for disengagement and redeployment, and the relevant Security Council resolutions, and enjoins all foreign forces to withdraw without delay from the territory of the Democratic Republic of the Congo;

(*e*) To put an immediate end to the recruitment and use of child soldiers, which is in contravention of international human rights standards, and to extend full cooperation to the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Children's Fund, the Special Representative of the Secretary-General on the impact of armed conflict on children, and humanitarian organizations for the speedy demobilization, return and rehabilitation of such children;

(*f*) To take and implement all necessary measures to create conditions for the voluntary return, in safety and dignity, of all refugees and displaced persons and to ensure their fair and lawful treatment;

(*g*) To allow free and secure access to areas under their control in order to permit investigations of violations of human rights and international human rights law;

(*h*) To establish and cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and with the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations on this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo to take practical action:

(*a*) To comply fully with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms, to shoulder its responsibility to protect the human rights of the population on its territory, and to take a leading part in efforts to prevent conditions that might lead to further flows of refugees and displaced persons within the Democratic Republic of the Congo and across its border;

(*b*) To continue to honour its commitments to reform and restore the judicial system, in particular to persevere in its declared objective of progressively abolishing the death penalty, and to reform military justice, in conformity with the provisions of the International Covenant on Civil and Political Rights, while encouraging it to maintain its current moratorium on executions;

(*c*) To put an end to impunity and ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice;

(*d*) To strive harder to create conditions, in accordance with its commitments as stipulated in the Lusaka Ceasefire Agreement, in particular the sections concerned with inter-Congolese dialogue, that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all inhabitants of the country while ensuring that women are involved in this process, and to complete the procedures required to permit the activities of political parties and to prepare for the holding of democratic, transparent, free and fair elections;

(*e*) To ensure full respect for freedom of opinion and expression, including freedom of the press for all types of mass media, and for freedom of association and assembly; continue to cooperate with civil society and human rights organizations, and remove some of the restrictions that still affect the work of non-governmental organizations;

(*f*) To continue to facilitate and strengthen further its cooperation with the Human Rights Field Office in the Democratic Republic of the Congo;

(*g*) To cooperate fully with the International Tribunal for Rwanda in ensuring that all responsible for the genocide, crimes against humanity and violations of article 3 common to the Geneva Conventions of 12 August 1949 and Additional Protocol II thereto are brought to justice in accordance with international principles of due process, while taking note of the visit by the Registrar of the Tribunal to the Democratic Republic of the Congo from 12 to 16 February 2002;

(*h*) To continue to guarantee the safety and freedom of movement of the staff of the United Nations Organization Mission in the Democratic Republic of the Congo and associated personnel;

5. *Calls upon* the Governments whose forces are in occupation of part of the territory of the Democratic Republic of the Congo to respect human rights and international humanitarian law in the areas still under their control;

6. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request him to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on the situation of human rights in the Democratic Republic of the Congo and on the possibilities for the international community to assist with local capacity-building, and also to request the Special Rapporteur to continue to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and the Special Rapporteur on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out, as soon as security considerations permit and, where appropriate, in cooperation with the National Commission of Inquiry to investigate alleged human rights violations and breaches of international humanitarian law in the Democratic Republic of the Congo (formerly Zaire) between 1996 and 1997, a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo, including those in the province of South Kivu and other atrocities referred to in the various reports of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, with a view to bringing to justice those responsible, and to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session;

(*c*) To request the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo and to the joint mission, to enable them to discharge their mandates fully;

(*d*) To request the High Commissioner to provide appropriate technical expertise to enable the joint mission to fulfil its mandate;

(*e*) To request the international community to support the Human Rights Field Office in the Democratic Republic of the Congo in order, in particular:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy, including supporting efforts by the Government of the Democratic Republic of the Congo towards strengthening the judicial system;

(ii) To strengthen its support for, and to continue to expand cooperation with, human rights non-governmental organizations in the Democratic Republic of the Congo, and to facilitate the activities of the joint mission, inter alia by providing funding;

7. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

47th meeting
19 April 2002
[Adopted without a vote. See chap. IX.]

2002/15. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field, *Mindful* that Iraq is a party to the International Covenants on Human Rights, to other international human rights instruments and to the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling:

(*a*) Previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 56/174 of 19 December 2001 and Commission resolution 2001/14 of 18 April 2001;

(*b*) Security Council resolutions 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected, 986 (1995) of 14 April 1995, 1111 (1997) of 4 June 1997, 1129 (1997) of 12 September 1997, 1143 (1997) of 4 December 1997, 1153 (1998) of 20 February 1998, 1175 (1998) of 19 June 1998, 1210 (1998) of 24 November 1998, 1242 (1999) of 21 May 1999, 1266 (1999) of 4 October 1999, 1281 (1999) of 10 December 1999, 1302 (2000) of 8 June 2000, 1330 (2000) of 5 December 2000, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001 and 1382 (2001) of 29 November 2001, in which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies, as well as 1284 (1999) of 17 December 1999, in which the Council, by means of a comprehensive approach to the situation in Iraq, inter alia removed the ceiling for the allowable import of Iraqi oil in order to increase the amount of revenue available for the purchase of humanitarian supplies, laid down new provisions and procedures designed to improve the implementation of the humanitarian programme and to further achievement in meeting the humanitarian needs of the Iraqi population and reiterated the obligation of Iraq to facilitate the repatriation of all Kuwaiti and third country nationals referred to in paragraph 30 of Council resolution 687 (1991),

Taking note of the concluding observations of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women on the recent reports submitted to them by Iraq, in which these treaty monitoring bodies point to a wide range of human rights problems and express the view that the Government of Iraq remains bound by its treaty obligations, while pointing to the adverse effect of sanctions on the daily life of the population, in particular women and children,

Reaffirming that it is the responsibility of the Government of Iraq to ensure the well-being of its entire population and the full enjoyment of all human rights and fundamental freedoms, concerned about the dire situation in Iraq, which affects the population, in particular children, as stated in the reports of several United Nations treaty bodies, and appealing to all concerned to fulfil their mutual obligations in the management of the humanitarian programme established by the Security Council in its resolution 986 (1995),

1. *Welcomes* the visit of the Special Rapporteur to the country, as well as his report on the situation of human rights in Iraq (E/CN.4/2002/44), his observations on the general situation and the conclusions and recommendations contained therein, and encourages the Government of Iraq to cooperate further with the Special Rapporteur;

2. *Notes with dismay* that there has been no improvement in the situation of human rights in the country;

3. *Strongly condemns*:

(*a*) The systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(*b*) The suppression of freedom of thought, expression, information, association, assembly and movement through fear of arrest, imprisonment, execution, expulsion, house demolition and other sanctions;

(*c*) The repression faced by any kind of opposition, in particular the harassment and intimidation of and threats against Iraqi opponents living abroad and members of their families;

(*d*) The widespread use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

(*e*) Summary and arbitrary executions, including political killings and the continued so-called clean-out of prisons, the use of rape as a political tool, as well as enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, and consistent and routine failure to respect due process and the rule of law;

(*f*) Widespread, systematic torture and the maintaining of decrees prescribing cruel and inhuman punishment as a penalty for offences;

4. *Calls upon* the Government of Iraq:

(*a*) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law, and to respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(*b*) To put an end to all summary and arbitrary executions and to ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(*c*) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(*d*) To cooperate with United Nations human rights mechanisms, in particular by allowing further visits and missions to Iraq by the Special Rapporteur, whose recent exploratory visit to the country set the stage for future cooperation and constructive dialogue, by implementing his recommendations, by providing detailed replies to letters relating to allegations of human rights violations transmitted by the Special Rapporteur and by allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission;

(*e*) To establish independence of the judiciary and to abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(*f*) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment, including mutilation, and to ensure that torture and cruel punishment and treatment no longer occur;

(*g*) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression and to ensure that the genuine will of the people shall be the basis of authority of the State;

(*h*) To ensure the free exercise of political opposition and to prevent intimidation and repression of political opponents and their families;

(*i*) To respect the rights of all ethnic and religious groups, to cease immediately its continued repressive practices, including the practice of forced deportation and relocation, against the Iraqi Kurds, Assyrians and Turkmen, in particular their deportation from the regions of Kirkok and Khanaquin, and against the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and to ensure the personal integrity and freedoms of all citizens, including the Shi'ah population;

(*j*) To cooperate with the Tripartite Commission and its Technical Subcommittee to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals, victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, to cooperate with the High-level Coordinator of the Secretary-General for Kuwait and third-country nationals and Kuwaiti property, to pay compensation to the families of those who died or disappeared in the custody of the Iraqi authorities , through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991, to release immediately all Kuwaitis and nationals of other States who may still be held in detention and inform families about the whereabouts of arrested persons, to provide information about death sentences imposed on prisoners of war and civilian detainees and to issue death certificates for deceased prisoners of war and civilian detainees;

(*k*) To cooperate further with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(*l*) To continue to cooperate in the implementation of Security Council resolutions 986 (1995), 1111 (1997), 1143 (1997), 1153 (1998), 1210 (1998), 1242 (1999), 1266 (1999), 1281 (1999), 1302 (2000), 1330 (2000), 1352 (2001), 1360 (2001) and 1382 (2001), as well as to cooperate, together with all concerned, in the implementation of the humanitarian sections of Council resolution 1284 (1999), to continue its efforts to ensure fully the timely and equitable distribution, without discrimination, to the Iraqi population, including in remote areas, of all humanitarian supplies purchased under the oil-for-food programme, in order to address effectively the needs of persons requiring special attention, such as children, pregnant women, the disabled, the elderly and the mentally ill, among others, to facilitate further the work of United Nations humanitarian personnel in Iraq by ensuring the free and unobstructed movement of observers throughout the country, as well as their free access, without any discrimination, to all the population, and to ensure that involuntarily displaced persons receive humanitarian assistance without the need to demonstrate that they have resided for six months at their places of temporary residence;

(*m*) To cooperate in the identification of the minefields existing throughout Iraq, with a view to facilitating their marking and eventual clearing;

5. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and also to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

(*c*) To continue its consideration of the situation of human rights in Iraq at its fifty-ninth session under the same agenda item.

48th meeting
19 April 2002
[Adopted by a recorded vote of 28 votes to 4,
with 21 abstentions. See chap. IX.]

2002/16. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Mindful that the Sudan is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and the Geneva Conventions of 12 August 1949 for the protection of victims of war,

Recalling previous resolutions of the General Assembly and the Commission on the situation of human rights in the Sudan, most recently Commission resolution 2001/18 of 20 April 2001, and taking note of Assembly resolution 56/175 of 19 December 2001,

Expressing its firm belief that progress towards a peaceful settlement of the conflict in southern Sudan will greatly contribute to the creation of a better environment for the respect of human rights in the Sudan, and convinced that all parties to the conflict must do their utmost to realize concrete steps for a comprehensive and lasting peaceful solution to the conflict,

Expressing concern about the human rights and humanitarian situation in the country and aware of the urgent need for the Government of the Sudan to implement effective additional measures in the field of human rights and humanitarian relief to protect the civilian population from the effects of armed conflict,

Taking note of Security Council resolution 1372 (2001) of 28 September 2001, in which the Council decided to terminate, with immediate effect, the measures referred to in paragraphs 3 and 4 of its resolution 1054 (1996) of 26 April 1996 and paragraph 3 of its resolution 1070 (1996) of 16 August 1996,

1. *Welcomes:*

(*a*) The interim report of the Special Rapporteur on the situation of human rights in the Sudan submitted to the General Assembly at its fifty-sixth session (A/56/336) and the report on the situation of human rights in the Sudan submitted to the Commission at its present session (E/CN.4/2002/46);

(*b*) The cooperation extended by the Government of the Sudan to the Special Rapporteur during his visits to the Sudan in October 2001 and February and March 2002, as well as the cooperation extended to other United Nations mandate holders in the field of human rights;

(*c*) The technical cooperation agreement signed on 29 March 2000 by the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights and the commencement of the programme of technical cooperation with government institutions and civil society organizations;

(*d*) The Peace Agreement for Sudan of 1997, the acceptance of the Declaration of Principles as a basis for negotiations, the declaration of the ceasefire agreement in the Nuba Mountains signed on 19 January 2002 by the Government of the Sudan and the Sudan People's Liberation Movement/Nuba, and the establishment of a Joint Military Commission and an International Monitoring Unit to implement and monitor the ceasefire, as well as the prohibition of laying of mines, demining of the area and free movement of civilians and goods, including humanitarian assistance, and notes that the ceasefire is a part of wider efforts to improve the overall humanitarian situation in the Sudan and in the Nuba Mountains;

(*e*) The agreement between the Government of Sudan and the Sudan People's Liberation Movement to protect civilians and civilian facilities from military attacks, signed in Khartoum on 10 March 2002;

(*f*) The commitment of the Government of the Sudan to establish an advisory council for Christians and to appoint Christians to senior executive positions within the Ministry for Religious Affairs and to promote inter-religious dialogue;

(*g*) The Decree No. 14/2002 of 26 January 2002 of the President of the Republic of the Sudan re-establishing, and further empowering, the Committee for the Eradication of Abduction of Women and Children and the commitment of the Government of Sudan and the Sudan People's Liberation Army/Movement to support an international commission to review the phenomenon of abduction and propose constructive recommendations, as well as the cooperation extended to the Committee by the local communities and the support of the international community and non-governmental organizations;

(*h*) The cooperation extended by the Government of the Sudan and the Sudan People's Liberation Army/Movement to United Nations humanitarian agencies, including within the context of Operation Lifeline Sudan, to mitigate the effects of war on civilians, and their commitment to permit days and zones of tranquillity, and emphasizes the need to strengthen further the access for and the support to United Nations humanitarian agencies;

(*i*) The visit, upon the invitation of the Government of the Sudan, of the Representative of the Secretary-General on internally displaced persons, as well as the commitment of the Government to continue its efforts to address the problem of internally displaced persons and to follow up the visit of the Representative effectively, including by developing a comprehensive study with a view to elaborating a national policy on internal displacement and by holding a conference on the subject in the near future;

(*j*) The demobilization and repatriation of more than 3,500 child soldiers in close cooperation between the Sudan People's Liberation Army/Movement and the United Nations Children's Fund;

(*k*) The commitment of the Government of the Sudan to facilitate the establishment of an independent national commission on human rights, and urges the Government of the Sudan to fulfil its commitment;

(*l*) The steps taken by the Government of the Sudan towards the ratification of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization, as well as towards the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*m*) The commitment made by the Government of the Sudan to embark on a programme of civic education in democracy and to create an inter-party liaison mechanism in order to foster further democratization, cooperation with and inclusion of opposition parties in the Government at both federal and state levels, and calls upon the Government of the Sudan to hold free and fair elections in the near future;

2. *Expresses its deep concern* at:

(*a*) The extension of the state of emergency until the end of 2002;

(*b*) The impact of the ongoing armed conflict on the situation of human rights and its adverse effect on the civilian population, in particular women and children, and at continuing serious violations of human rights, fundamental freedoms and international humanitarian law by all parties to the conflict, in particular:

(i) The occurrence, in particular within the framework of the conflict in southern Sudan, of the use of children as soldiers and combatants, forced conscription, forced displacement, arbitrary detention, torture and ill-treatment of civilians and summary and arbitrary executions, and at still-unresolved cases of enforced or involuntary disappearance;

(ii) The ongoing plight of internally displaced persons in the Sudan, in particular women and children, and their lack of access to protection and assistance, including in areas surrounding the oilfields, notes the invitation extended by the Government of the Sudan to the Special Rapporteur to visit the oil-producing areas and encourages the Government of the Sudan to facilitate the planned visit of the Senior Inter-Agency Network on Internal Displacement;

(iii) The abduction of women and children by Murahaleen groups and other government militias and their subjection to forced labour or similar conditions;

(iv) The negative role of undisciplined southern militias, armed by the Sudanese army and the Sudan People's Liberation Army/Movement, which are responsible for killings, torture, rape, abduction and the destruction of shelter and livelihood;

(v) The widespread and indiscriminate aerial bombardments and attacks by the Government of the Sudan, particularly bombings of schools and hospitals, churches, food distribution areas and marketplaces, and expresses deep concern about the recent attack by the Government against a United Nations food distribution centre in southern Sudan on 20 February 2002;

(vi) The use of civilian premises for military purposes, as well as the use of weapons, including landmines, and indiscriminate artillery shelling against the civilian population;

(vii) The measures taken by the leadership of the Sudan People's Liberation Army/Movement to prevent tribal elders, women and youths from participating in civil society gatherings such as the Nuer Conference held in Kisumu, Kenya, from 16 to 22 June 2001;

(*c*) Continuing violations of human rights in areas under the control of the Government of the Sudan, in particular:

(i) Restrictions on the freedoms of religion, association, assembly and expression;

(ii) The restriction of political freedom, in spite of the replacement, in March 2000, of the Political Associations Act of 1998 by the Associations and Political Parties Act, the prevention of opposition politicians' travelling outside the Sudan and the prohibition on some parties' holding public gatherings, particularly in the regions;

(iii) The arbitrary arrests and detention without trial, in particular of political opponents, human rights defenders and journalists, the lack of legal representation in many trials, the reactivation in 2001 of Special Summary Courts, which has led to the imposition of severe sentences in numerous cases, as well as the amendment to the National Security Forces Act that allows the renewal of temporary detention as a preventive measure, practically without limits, and the amendment to the Criminal Procedures Act giving the police unnecessarily increased powers;

(iv) The extent of the use of most cruel forms of corporal punishment in contravention of human rights norms and standards, as well as detention in precarious conditions, in particular by the security organs, intelligence agencies and the police, while encouraging the judiciary to exercise more control over such agencies;

(v) The discrimination against women and girls in law and in practice, including the widespread practice of female genital mutilation, the amended labour law that prevents women from working in public places the harassment of women by security forces and the deplorable conditions in women's prisons;

(vi) The use of the death penalty in disregard of the provisions of the International Covenant on Civil and Political Rights and United Nations safeguards;

3. *Urges* all parties to the continuing conflict in the Sudan:

(*a*) To respect and protect human rights and fundamental freedoms, to respect fully international humanitarian law, in particular the need to ensure the protection of civilians and civilian premises, thereby facilitating inter alia the voluntary return, repatriation and reintegration of refugees and internally displaced persons to their homes, and to ensure that those responsible for violations of human rights and international humanitarian law are brought to justice;

(*b*) To implement the Khartoum agreement to protect civilians and civilian facilities from military attacks and in particular the Government of the Sudan to cease immediately all indiscriminate aerial bombardments and attacks against the civilian population and civilian installations, including schools and hospitals, churches, food distribution areas and marketplaces, and the Sudan People's Liberation Army to abstain from misappropriating humanitarian assistance and diverting relief supplies, including food, from their civilian recipients;

(*c*) To stop the use of tribal militias that commit human rights abuses;

(*d*) To grant full, safe and unhindered access to all international agencies and humanitarian organizations in order to facilitate by all possible means the delivery of humanitarian assistance, in conformity with international humanitarian law, to all civilians in need of protection and assistance, to continue to cooperate with the Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan to deliver such assistance, and to take measures against those who are responsible for abductions, harassment of and use of force against United Nations and humanitarian staff;

(*e*) Not to use or recruit children under the age of 18 as soldiers and to fulfil the commitments made concerning the protection of children affected by war, such as to cease the use of anti-personnel landmines and attacks on sites where there is usually a significant presence of children, as well as the abduction and exploitation of children, and encourages the process of demobilization of child soldiers currently being undertaken by the United Nations Children's Fund together with the Sudan People's Liberation Army/Movement;

(*f*) To allow an independent investigation of the condemned murder of four Sudanese nationals who were abducted on 18 February 1999 while travelling with a team from the International Committee of the Red Cross on a humanitarian mission and subsequently killed while in the custody of the Sudan People's Liberation Army/Movement and urges the Sudan People's Liberation Army/Movement to return their bodies to their families;

4. *Calls upon* the Government of the Sudan:

(*a*) To comply fully with its obligations under international human rights instruments to which the Sudan is a party and to promote and protect human rights and fundamental freedoms, as well as to respect its obligations under international humanitarian law;

(*b*) To take all effective measures, inter alia by ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to end and to prevent all acts of torture and cruel, inhumane and degrading treatment, including amputation, and to end the use of public order, special or other courts that apply such penalties;

(*c*) To sign and ratify the Convention on the Elimination of All Forms of Discrimination against Women and to take measures to ensure full and equal enjoyment by women and girls of their human rights;

(*d*) To ratify the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction of 1997;

(*e*) To return to constitutional normality as quickly as possible and to undertake further efforts to promote an environment conducive to a genuine process of democratization that reflects the aspirations of the people and ensures their full participation, to ensuring the rule of law and to improvements in the field of human rights by bringing legislation more into line with the Constitution and into conformity with the applicable international human rights instruments to which the Sudan is a party;

(*f*) To liberalize the system for maintaining public order, including abolishing the security of the community police and to continue its assimilation into a regular criminal justice system, bearing in mind the vulnerability and rights of the accused, particularly of displaced women, when applying the rule of law and sentencing, and to implement the Standard Minimum Rules for the Treatment of Prisoners;

(*g*) To ensure full respect for freedom of religion and, in this regard, to consult fully with religious leaders and other parties concerned when considering any new legislation on religious activities, to remove obstacles to the granting of permission for the construction of religious buildings, as well as to respect their sanctity and to resolve church property issues;

(*h*) To ensure full respect for the freedoms of opinion and expression, association and assembly, throughout the territory of the Sudan, as well as to implement fully existing legislation, including the appeals procedures, that safeguards human rights and democracy, in particular the Associations and Political Parties Act;

(*i*) To raise the age of criminal responsibility for children in order to take into account the observations of the Committee on the Rights of the Child;

(*j*) To ensure that capital punishment will not be imposed for crimes other than the most serious and will not be pronounced in disregard of the obligations assumed under the International Covenant on Civil and Political Rights and the provisions of United Nations safeguards;

(*k*) To reinforce the action undertaken to prevent and stop abductions of women and children taking place within the framework of the conflict in southern Sudan, to provide for appropriate punishment of any person not cooperating, to bring to justice the perpetrators who are not willing to cooperate, to facilitate the safe return of affected children to their families, to take further measures to eradicate the practice, in particular those cases connected with the passage of the government train through Bahr-al-Ghazal, and to implement the presidential decree ordering full cooperation with the Committee for the Eradication of Abduction of Women and Children and support more strongly and more effectively the work of the Committee, ensuring the appropriate funding, resources and staff for its activities;

(*l*) To call for an end to impunity for human rights violations and to try perpetrators in accordance with the rule of law, as well as to strengthen the role of the Advisory Council on Human Rights of the Sudan to investigate all reported human rights violations, including acts of torture;

(*m*) To create a legal framework facilitating the establishment of organizations in the field of human rights in order to put an end to the situation of insecurity, harassment, intimidation and prosecution that these organizations suffer at the hands of the security organs;

5. *Encourages* the Government of the Sudan to continue its cooperation with the United Nations in the field of human rights, through the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights and its expert in Khartoum entrusted with the task of advising the Government on the development of national capacity to promote and protect human rights;

6. *Calls upon* the international community:

(*a*) To expand its support for activities, in particular those of the Committee for the Eradication of Abduction of Women and Children, aimed at improving respect for human rights and humanitarian law;

(*b*) To consider how to expand the Office of the High Commissioner for Human Rights to include a monitoring role aimed at improving respect for human rights and humanitarian law;

7. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for a further year and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on the situation of human rights in the Sudan and to continue to keep a gender perspective in mind in the reporting process;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

48th meeting
19 April 2002
[Adopted by a recorded vote of 25 votes to 24,
with 4 abstentions. See chap. IX.]

2002/17. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolution 2001/11 of 18 April 2001 and taking note of the report of the Secretary-General on the question (E/CN.4/2002/36),

1. *Urges* Governments to refrain from all acts of intimidation or reprisal against:

(*a*) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(*b*) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(*c*) Those who submit or have submitted communications under procedures established by human rights instruments;

(*d*) Those who are relatives of victims of human rights violations;

2. *Requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. *Also requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. *Further requests* such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. *Requests* the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. *Invites* the Secretary-General to submit to the Commission at its fifty-ninth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. *Decides* to consider the question again at its fifty-ninth session.

48th meeting
19 April 2002
[Adopted without a vote. See chap. IX.]

2002/18. Situation of human rights in Cuba

The Commission on Human Rights,

Bearing in mind the provisions of the Vienna Declaration and Programme of Action, which was adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which provide that all human rights are universal, indivisible and interdependent and interrelated,

Also bearing in mind its resolution 2000/47 of 25 April 2000, which provides that there is an indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights, international human rights treaties and the foundations of any democratic society,

Drawing attention to the various universal declarations and instruments designed to promote democracy and human rights, as well as to regional instruments such as the Inter-American Democratic Charter, which was adopted for that purpose in 2001, *Recognizing* that action to combat poverty is essential for the promotion and consolidation of democracy and is the common and shared responsibility of States,

1. *Invites* the Government of Cuba, whose efforts to give effect to the social rights of the population despite an adverse international environment are to be recognized, to make efforts to achieve similar progress in respect of human, civil and political rights, in accordance with the provisions of the Universal Declaration of Human Rights and the principles and standards of the rule of law;

2. *Encourages* the Government of Cuba to accede to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

3. *Requests* the United Nations High Commissioner for Human Rights to take the steps necessary to send a personal representative with a view to cooperation between her Office and the Government of Cuba in the implementation of the present resolution;

4. *Urges* the Government of Cuba to take all the necessary measures so that such a visit may take place as soon as possible;

5. *Decides* to consider this matter further at its fifty-ninth session, under the same agenda item, in connection with which the personal representative of the High Commissioner will submit his report on the implementation of the present resolution.

48th meeting
19 April 2002
[Adopted by a recorded vote of 23 votes to 21,
with 9 abstentions. See chap. IX.]

2002/19. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the 1951 Convention concerning equal remuneration for men and women workers for work of equal value (No. 100) and the 1957 Convention concerning the abolition of forced labour (No. 105) of the International Labour Organization, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also all relevant resolutions of the General Assembly, as well as resolutions and presidential statements of the Security Council, decisions of the Economic and Social Council, its own resolutions and decisions and resolutions of the Commission on the Status of Women,

Recalling the resolution adopted by the Commission on the Status of Women on the situation of women and girls in Afghanistan,

Recalling also Security Council resolutions 1296 (2000) of 19 April 2000 on the protection of civilians, 1379 (2001) of 20 November 2001 on the protection of children in armed conflict, and 1325 (2000) of 31 October 2000 and the statement by the President of the Security Council of 31 October 2001 on women, peace and security (S/PRST/2001/31),

Taking note of Security Council resolutions 1383 (2001) of 6 December 2001, 1386 (2001) of 20 December 2001 and 1401 (2002) of 28 March 2002,

Warmly welcoming the appointment by the Secretary-General of a special representative for Afghanistan and endorsing the approach outlined by the Special Representative of the Secretary-General to the Security Council at its 4414th meeting on 13 November 2001,

Warmly welcoming also the conclusion of the Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions, signed at Bonn, Germany, on 5 December 2001 (the Bonn Agreement), which promotes national reconciliation, lasting peace and respect for human rights, and stressing the important role entrusted to the United Nations in this new framework,

Affirming the essential role of the United Nations in supporting the action of the Afghan Interim Authority, leading to the formation of a government, through the *loya jirga*, both of which:

(*a*) Should be gender-sensitive, broad-based, multi-ethnic, fully representative of all Afghans, and committed to peace and friendship with all countries, including its neighbours;

(*b*) Should respect the human rights of all Afghans, without distinction of any kind such as of gender, ethnicity or religion;

(*c*) Should facilitate the urgent delivery of humanitarian assistance and the voluntary and orderly return in safety and dignity of refugees and internally displaced persons, when the situation permits;

(*d*) Should respect Afghanistan's international obligations, including by cooperating fully in international efforts to combat illicit drug trafficking within and from Afghanistan,

Expressing grave concern:

(*a*) At recent reports of human rights abuses in some areas which still lack effective law enforcement mechanisms;

(*b*) At the severity of the humanitarian crisis still affecting the country,

Recognizing that the accountability of perpetrators, including their accomplices, for grave human rights violations and violations of international humanitarian law is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Stressing the importance of ensuring the full and effective participation, and integration, of women in all decision-making processes regarding the future of Afghanistan, including, in particular, in all national bodies envisaged in the Bonn Agreement,

Stressing also the important contribution to the promotion and protection of human rights of an early start to the economic reconstruction and development process, and the need to ensure that it takes place in a coordinated and non-discriminatory manner,

1. *Welcomes* the interim report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/2002/43) and the report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to Afghanistan (E/CN.4/2000/68/Add. 4) and the conclusions and recommendations contained therein;

2. *Warmly welcomes* the report of the Secretary-General on the situation in Afghanistan, and its implications for international peace and security (A/56/875-S/2002/278), in which a new structure is proposed for the United Nations Assistance Mission in Afghanistan;

3. *Also warmly welcomes* the important role assigned to the United Nations in annex II to the Bonn Agreement, in particular that of investigating human rights violations and, where necessary, recommending corrective action, and of developing and implementing a programme of human rights education to promote understanding of and respect for human rights;

4. *Strongly encourages* the early establishment, with the assistance of the United Nations, of the independent human rights commission foreseen in the Bonn Agreement;

5. *Invites* the relevant bodies of the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights, within the framework of United Nations Assistance Mission in Afghanistan;

(*a*) To assist in the full implementation of the human rights provisions of the Bonn Agreement, including through the establishment of an active human rights component in Afghanistan;

(*b*) To develop a national strategy on human rights addressing, in particular, issues of accountability, transitional justice, a national programme for human rights education, women's rights - as emphasized at the National Workshop on Human Rights held in Kabul on 9 March 2002 - and the rights of the child, and to consider establishing a national commission or ombudsperson for children;

(*c*) To provide close coordination with the independent human rights commission foreseen in the Bonn Agreement;

6. *Commends* the steps already taken by the Interim Authority to promote and protect human rights, in order to guarantee, in particular, the rights of children, women and minorities, the rights to education, to employment and to freedom of religion and expression, the recent appointment of special commissions responsible for investigating the most recent human rights violations and abuses and the holding of the National Workshop on Human Rights in Kabul, and urges the Interim Authority and its successors to continue efforts in this respect;

7. *Notes* with deep concern:

(*a*) Recent cases of arbitrary arrest and detention and of summary trials in some areas of the country;

(*b*) Recent abuses and violations of the human rights of women and girls, including rape and other forms of sexual violence, abductions and kidnappings, as well as forced marriage and trafficking;

(*c*) Reports of human rights abuses directed, in particular, against certain ethnic groups where they are a minority, in areas still lacking rule of law and its enforcement machinery;

8. *Calls upon* the Interim Authority, its successors and all Afghan groups, in application of the Bonn Agreement:

(*a*) To respect fully all human rights and fundamental freedoms without discrimination of any kind, including gender, ethnicity or religion, in accordance with international law;

(*b*) To adhere strictly to their obligations under human rights instruments and international humanitarian law, inter alia in relation to the treatment of prisoners;

(*c*) To take all necessary measures for the demobilization and social reintegration of war-affected children;

(*d*) To facilitate the provision of efficient and effective remedies to the victims of grave violations and abuses of human rights and of international humanitarian law and to bring the perpetrators to justice, in accordance with international standards;

(*e*) To treat all suspects and convicted or detained persons in accordance with relevant international law and to refrain from arbitrary detention in violation of international law;

(*f*) To facilitate the voluntary and orderly return and reintegration of Afghan refugees and internally displaced persons;

9. *Calls upon* the Interim Authority and its successors to initiate rapid demobilization and disarmament and to facilitate the reintegration of adults who have participated in or otherwise been affected by war into society and work;

10. *Welcomes* the report of the Secretary-General to the Commission on the Status of Women on discrimination against women and girls in Afghanistan (E/CN.6/2002/5);

11. *Welcomes* the establishment of the Ministry of Women's Affairs and encourages the Interim Authority and its successors to provide the necessary support and resources to enable the Ministry to function effectively;

12. *Commends* the action already taken by the Interim Authority to ensure the reopening of schools for girls and the return of women to their jobs;

13. *Calls upon* the Interim Authority and its successors to give high priority to the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and to respect fully the human rights and fundamental freedoms of women and girls in accordance with international human rights law, to bring to an end, without delay, all violations of the human rights of women and girls, and to take urgent measures to ensure:

(*a*) The repeal of any legislative and other measures in place that discriminate against women and girls and those that impede the realization of all their human rights and fundamental freedoms;

(*b*) The full, equal and effective participation of women in civil, cultural, economic, political and social life throughout the country at all levels;

(*c*) Respect for the equal right of women to work and their reintegration into employment in all segments and at all levels of Afghan society;

(*d*) The equal right of women and girls to education without discrimination, the reopening of schools throughout the country and the admission of women and girls to all levels of education;

(*e*) Respect for the equal right of women and girls to personal physical security, and that those responsible for physical attacks on women are brought to justice;

(*f*) Respect for the freedom of movement of women and girls;

(*g*) Respect for the effective and equal access of women and girls to the facilities necessary to protect their rights to achieve the highest attainable standard of physical and mental health;

14. *Appeals* to Member States, organizations and programmes of the United Nations system, specialized agencies and other international organizations:

(*a*) To ensure that all United Nations operations integrate a gender perspective, including in the selection of personnel for management, and that women will benefit equally with men from such programmes;

(*b*) To implement the recommendations of the inter-agency gender mission to Afghanistan under the leadership of the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women and to provide specific programmes for all Afghan women and girls to address their special needs and promote their human rights;

(*c*) To support structures of civil society active in the field of human rights, in particular women's rights;

15. *Notes with appreciation* that the security situation in Kabul has greatly improved and the useful role played by the International Security Assistance Force to this end, while noting with concern that insecurity persists elsewhere in the country;

16. *Strongly condemns*:

(*a*) The past widespread violations and abuses of human rights and international humanitarian law in Afghanistan, by the Taliban and others, including of the right to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion, association and movement, and the recruitment and use of children in hostilities, contrary to international standards;

(*b*) The civilian massacres involving reprisal killings and summary executions following, in recent years, the taking and retaking of particular areas by warring parties;

(*c*) The killings of foreign correspondents which have occurred in Afghanistan since November 2001;

(*d*) The past gross violations of the human rights of women and girls, including all forms of discrimination against them;

(*e*) The attacks on, and the killings of, United Nations personnel and other humanitarian personnel in territories of Afghanistan;

(*f*) The killings of Iranian diplomats and the correspondent of the Islamic Republic News Agency by the Taliban in 1998;

17. *Warmly welcomes* the intention of the Interim Authority to establish a truth commission in order to investigate human rights violations and atrocities that have been committed in Afghanistan and calls upon the international community, as appropriate, and all Afghan groups to cooperate with it with a view to bringing those responsible, wherever they may be, to justice;

18. *Notes with deep concern* the existence of millions of Afghan refugees, and that despite the accelerating return of many, there is evidence of a new outflow of refugees from certain ethnic groups, where they are a minority, fleeing reprisals;

19. *Recognizes* the huge burden shouldered by neighbouring countries, especially the Islamic Republic of Iran and Pakistan, appreciates the efforts undertaken in these host countries to ease the plight of Afghan refugees and encourages them to continue cooperating with the Office of the United Nations High Commissioner for Refugees towards this end;

20. *Calls upon* the Office of the United Nations High Commissioner for Refugees to continue to provide protection and assistance to refugees and to continue implementing its plan for the voluntary and orderly repatriation of refugees, and also appeals to the international community to provide additional assistance for a durable solution to this problem;

21. *Underlines* the importance of the fulfilment of obligations under international law, including human rights law, with regard to refugees and asylum-seekers;

22. *Expresses its concern* at the still large number of internally displaced persons in Afghanistan and their situation, and encourages continued coordinated efforts to meet their protection and assistance needs in Afghanistan;

23. *Urges* all States to respect the sovereignty, independence, territorial integrity and national unity of Afghanistan, to refrain from interfering in its internal affairs and to end any support for armed groups in Afghanistan from any quarter;

24. *Urges* the Interim Authority, its successors and all Afghan groups, to ensure the safety, security and free movement of all diplomatic personnel, United Nations and associated personnel, as well as of the personnel of humanitarian and non-governmental organizations, and their safe and unimpeded access to all affected populations, and to guarantee the access of all Afghans to aid deliveries, education and health facilities without discrimination of any kind, including discrimination on the grounds of gender, ethnicity or religion;

25. *Also urges* the Interim Authority, its successors and all Afghan groups to cooperate with the United Nations and with the international community in order to defend the cultural heritage of Afghanistan by safeguarding its historic, cultural and religious sites in order to preserve them for future generations;

26. *Notes with appreciation* the activities carried out by the United Nations system, international and non-governmental organizations and the International Committee of the Red Cross throughout the territory of Afghanistan;

27. *Calls upon* the Interim Authority, its successors and all Afghan groups to cooperate fully with the Special Rapporteur on the situation of human rights in Afghanistan and all other special rapporteurs who request invitations to visit Afghanistan, and to facilitate their access to all sectors of society and to all parts of the country;

28. *Requests* the Secretary-General:

(*a*) To give all necessary assistance to the Special Rapporteur;

(*b*) To ensure the integration of a human rights capacity in the context of United Nations activities in Afghanistan, in consultation with the United Nations High Commissioner for Human Rights, and also to ensure that the promotion and protection of human rights will be central to the purposes and functions of United Nations Assistance Mission in Afghanistan, and that the Mission is fully equipped to implement effectively its human rights responsibilities under the terms of the Bonn Agreement;

(*c*) To include a child protection adviser in the Mission;

29. *Invites* the Special Rapporteur to provide updates, as appropriate, of his reports on the situation of human rights in Afghanistan to the General Assembly and the Commission;

30. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur for one year and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session and to provide updates, as appropriate;

(*b*) To continue its consideration of the situation of human rights in Afghanistan at its fifty-ninth session.

49th meeting
22 April 2002
[Adopted without a vote. See chap. IX.]

2002/20. Situation of human rights in Sierra Leone

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable human rights instruments,

Mindful that Sierra Leone is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and has ratified its optional Protocols, the Geneva Conventions of 12 August 1949, as well as to the African Charter on Human and Peoples' Rights, and that Sierra Leone has ratified the Convention on the Elimination of All Forms of Discrimination against Women and signed its Optional Protocol, and has ratified the Rome Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling Security Council resolutions 1265 (1999) of 17 September 1999, 1270 (1999) of 22 October 1999, 1289 (2000) of 7 February 2000, 1296 (2000) of 19 April 2000, Council resolutions 1313 (2000) of 4 August 2000, 1315 (2000) of 14 August 2000, 1343 (2001) of 7 March 2001 and 1346 (2001) of 30 March 2001, and taking note of Council resolutions 1370 (2001) of 18 September 2001, 1389 (2002) of 16 January 2002 and 1400 (2002) of 28 March 2002, and recalling its own resolutions 2000/24 of 18 April 2000 and 2001/20 of 20 April 2001,

Welcoming the significant progress made in the peace process in Sierra Leone, as well as the progress in the regional dialogue, notably the recent meeting of the Mano River Union Presidents, held at Rabat, but concerned that the situation in Sierra Leone and the Mano River subregion continues to constitute a threat to peace and security in the region and could have repercussions for the progress achieved,

Stressing the importance of free, fair, inclusive and credible elections in May 2002 to the long-term stability of Sierra Leone and stressing also the responsibility of all participants to promote the protection, safety and effective security of civilians in the forthcoming elections, in accordance with international standards,

Expressing deep concern regarding all violations and abuses of human rights and international humanitarian law over the past year perpetrated in Sierra Leone and in the Mano River subregion against civilians, including abducted women and children,

Welcoming the voluntary return of Sierra Leonean refugees from Guinea and Liberia and of internally displaced persons to their communities, while reaffirming that many refugees continue to need protection and assistance, and mindful that instability in the Mano River subregion continues to create displacements, *Expressing deep concern* regarding reports of sexual exploitation of and sexual violence against refugee minors and women in the Mano River subregion,

Welcoming Security Council resolution 1306 (2000) of 5 July 2000 and Council resolution 1343 (2001) on, respectively, combating the illicit trade in rough diamonds that contributed to fuelling the armed conflict, and on the trafficking and illegal supply of small arms and light weapons that adversely affected human rights abuses in Sierra Leone,

Taking note of the imminent establishment of a Truth and Reconciliation Commission,

Recognizing that the Sierra Leone Human Rights Manifesto of June 1999 contains an important basic framework for the promotion of human rights and encourages its continued implementation as well as the creation of an independent national commission for democracy and human rights,

Recognizing the importance of technical cooperation for the promotion and protection of human rights, which will contribute to achieving stability and security and foster cooperation among States in the region,

1. *Welcomes*:

(*a*) The report of the United Nations High Commissioner for Human Rights to the General Assembly (A/56/281), the report of the High Commissioner to the Commission on the situation of human rights in Sierra Leone (E/CN.4/2002/37) and the tenth to thirteenth reports of the Secretary-General on the United Nations Mission in Sierra Leone (S/2001/627, S/2001/857 and Add.1, S/2001/1195 and Add.1, S/2002/267), in particular those findings and recommendations relating to the human rights and humanitarian situation in Sierra Leone, as well as in neighbouring countries;

(*b*) The activities of the Mission, which was established by Security Council resolution 1270 (1999) and expanded by its resolutions 1299 (2000) of 19 May 2000 and 1389 (2002) with the mandate, inter alia, to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, to assist the Government of Sierra Leone in its efforts to address the country's human rights needs, to afford protection to civilians under imminent threat of physical violence, taking into account the responsibilities of the Government of Sierra Leone, including the Sierra Leone Police, and to assist in election-related tasks, in particular assisting the National Electoral Commission;

(*c*) The deployment of the Mission throughout the country and reiterates the importance of the restoration of government authority to facilitate the full and unimpeded movement of humanitarian workers, goods and people throughout the entire territory of the country;

(*d*) The steps taken by the Government of Sierra Leone to extend its authority throughout the country, but notes with concern that it continues to face serious resource constraints in restoring civil administration and public services throughout the country;

(*e*) The work of the Human Rights Section of the Mission and the assistance by the High Commissioner and the international community to the Government of Sierra Leone aimed at promoting a culture of human rights protection in Sierra Leone, including activities with all forces that had been engaged in the conflict;

(*f*) The completion of the disarmament and demobilization process and the lifting of the national state of emergency, which has resulted in an improvement of the human rights situation in Sierra Leone and the creation of a more secure environment for the holding of free, fair, inclusive and credible elections;

(*g*) The special community programme conducted by the Sierra Leone Police for the voluntary collection of illegal arms held by the civilian population;

(*h*) The release of over 3,000 child soldiers, abductees, and separated children by the Revolutionary United Front and pro-Government civil defence militias as one of the most positive developments of the year, while calling for the release of any persons held against their will;

(*i*) The initiatives and steps being taken by the Government of Sierra Leone and Sierra Leonean civil society in concert with the international community to build the human rights infrastructure in the country, including the continued efforts undertaken for the establishment of an effectively functioning truth and reconciliation commission and special court, particularly those related to the sensitization of communities on the objectives of the Special Court and the Truth and Reconciliation Commission and reiterates the continued need for further efforts in this regard to promote peace, justice and national reconciliation and to foster accountability and respect for human rights;

(*j*) The signature of the agreement between the United Nations and the Government of Sierra Leone on the establishment of an independent Special Court, pursuant to Security Council resolution 1315 (2000), of 14 August 2000, to bring to justice those persons who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone since 30 November 1996;

(*k*) The voluntary contributions already provided and the pledges made to the United Nations Trust Fund for the Special Court, and urges States to make available the necessary resources to ensure that there is no shortfall in the budget set out in the Secretary-General's proposal;

(*l*) The report of the Planning Mission on the Establishment of the Special Court for Sierra Leone (S/2002/246 and Corr.2 and 3, annex);

(*m*) The recent efforts by the heads of State and other high-level officials of the Mano River Union to ease tensions in the subregion and urges them to take collective action to disarm and demobilize all non-State armed groups operating in the Mano River subregion;

(*n*) The work done by the National Commission on Disarmament, Demobilization and Reintegration, together with participating agencies, in facilitating measures that have helped end the conflicts and are continuing to facilitate reintegration and reconciliation within Sierra Leonean society;

(*o*) The human rights training, including specialized gender and child rights training, provided to national human rights monitors, police officers and military personnel of the United Nations Mission in Sierra Leone;

(*p*) The report of the assessment mission jointly initiated by the Office of the United Nations High Commissioner for Refugees and the non-governmental organization Save the Children-UK into alleged sexual violence and exploitation of refugee children in the countries of the Mano River subregion, notes with grave concern the allegations contained therein and welcomes the commitment of the Secretary-General to zero tolerance and his intention to have the allegations in the report expeditiously and transparently investigated, demands that appropriate remedial measures be taken, including disciplinary measures against those who may prove to be implicated, and requests the Secretary-General to report the findings of the investigation led by the Office of Internal Oversight Services to the General Assembly at its fifty-seventh session;

(*q*) The visit by the Special Rapporteur on violence against women, its causes and consequences, to Sierra Leone and her report (E/CN.4/2002/83/Add.2) and takes note with appreciation of the recommendations contained therein;

(*r*) The continued deployment of child protection advisers within the Mission to help to ensure the protection of children's rights, which is a priority throughout the peacekeeping process and the consolidation of peace in Sierra Leone, as well as the efforts of the United Nations Children's Fund in responding to the protection and assistance needs of children, and stresses the need to improve protection in camps and settlements for refugees and internally displaced persons;

(*s*) The activities carried out by the International Committee of the Red Cross and humanitarian organizations, especially those related to promoting respect for international humanitarian law, in the field of medical assistance, relief activities, visits to detained persons and efforts to rehabilitate the country's infrastructure to allow resettlement and reintegration of internally displaced persons and returning refugees;

2. *Expresses its deep concern*:

(*a*) At abuses of human rights and violations of international humanitarian law committed in Sierra Leone and in this regard welcomes the efforts to bring to justice the perpetrators of crimes and atrocities against civilians, including women and children, committed by warring factions, including summary and extrajudicial executions, mutilations, abductions, arbitrary detention, hostage-taking, forced recruitment, forced labour, forced displacement, harassment, looting, destruction of property, attacks on and killings of journalists, and the detention of abductees;

(*b*) At recent revelations and evidence of abuses of human rights and serious breaches of international humanitarian law committed in certain areas of Sierra Leone until recently occupied by rebel forces, in particular atrocities against civilians, including women and children, including summary and extrajudicial executions, mutilations and torture, and stresses the need to preserve the evidence until forensic analysis is undertaken;

(*c*) At the targeting and abuse of women and girls that have been committed in Sierra Leone, including rape, gang rape, sexual servitude and other sexual abuse, and notes with concern the low percentage of girls released so far and urges that the necessary conditions be provided for those women and girls who had been forced into matrimonial or other relationships and any other girls held in captivity by ex-combatants to be released immediately if they so wish, and calls for measures that take into account the special needs and particular vulnerabilities of girls affected by armed conflict in the implementation of reintegration programmes;

(*d*) At reports of abducted children working in the diamond mines and the denial of their expressed wish to be reunited with their families;

(*e*) At the continued slow pace of the reintegration phase of the disarmament, demobilization and reintegration programme because of serious shortfalls in funding;

(*f*) At the continuing reports of trafficking and illegal supply of small arms and related material, especially across international borders, in contravention of Security Council resolution 1171 (1998) of 5 June 1998;

(*g*) At the dire humanitarian situation affecting the population, including refugees and internally displaced persons in Sierra Leone and neighbouring States, caused by recent and ongoing violence and tensions in border regions, and at impediments to the safe and voluntary return of affected populations to their homes;

3. *Calls upon* parties that were involved in the conflict in Sierra Leone:

(*a*) To respect human rights and international humanitarian law, including the human rights of women and the rights of the child;

(*b*) To continue to provide full cooperation with the Mission, including its Human Rights Section, and continued unconditional access for the Mission throughout the country;

(*c*) To continue to work together to ensure full and early reintegration of ex-combatants in all areas, and to give special attention to former child combatants in the reintegration process;

(*d*) To continue to ensure safe and unhindered access to all affected populations in accordance with international humanitarian law and that the status of the United Nations and associated personnel, including locally engaged staff, as well as humanitarian personnel, is fully respected by providing guarantees for their safety, security and freedom of movement;

(*e*) To cooperate with the Special Court for Sierra Leone and the Truth and Reconciliation Commission, once established;

4. *Urges* all States in the Mano River subregion to assist and cooperate with the Special Court, to work constructively for the restoration of peace and security in the region and to make early progress in confidence-building measures as agreed at the meeting of the Mano River Union Presidents, held in Rabat;

5. *Also urges* all relevant parties in the region to ensure full respect for human rights and fundamental freedoms in, and the civilian character of, camps for refugees and internally displaced persons and to work towards the establishment of conditions which would permit the safe and voluntary return of affected populations to their homes;

6. *Stresses* the need to ensure cooperation between the Special Court and the Truth and Reconciliation Commission through recognition of their complementary roles, and respect for the independent nature of both institutions and the setting of their priorities, including with respect to the involvement of juvenile offenders and child witnesses in their processes, and to ensure that a gender perspective is integrated into the work of the Truth and Reconciliation Commission and the Special Court;

7. *Urges* the Government of Sierra Leone:

(*a*) To continue to work closely and to strengthen its cooperation in the area of human rights with the United Nations Mission in Sierra Leone and the Office of the United Nations High Commissioner for Human Rights, including by extending a standing invitation to its special mechanisms;

(*b*) To sign a memorandum of understanding with the Office of the High Commissioner with regard to the Truth and Reconciliation Commission;

(*c*) To facilitate the effective functioning of the Truth and Reconciliation Commission in order to address the question of violations of human rights and international humanitarian law since the beginning of the conflict in Sierra Leone in 1991;

(*d*) To give priority attention, in cooperation with the international community, to the special needs of all mutilated victims and of women and children in its care, in particular those sexually abused, gravely traumatized and displaced as a result of the conflict;

(*e*) To continue to work for the restoration of civil authority to provide basic public and social services, including security and the administration of justice, throughout Sierra Leone;

(*f*) To encourage the cooperation of Sierra Leonean civil society in the functioning of the Special Court and the Truth and Reconciliation Commission;

8. *Reiterates its call* upon the Government of Sierra Leone to investigate reports of human rights violations and abuses and to end impunity, and its requests that the Secretary-General and the United Nations High Commissioner for Human Rights respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses;

9. *Decides*:

(*a*) To reiterate its request that the High Commissioner and the international community continue to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission as soon as possible as an important healing process to contribute to peace and reconciliation in the country;

(*b*) To request the international community to participate in the strengthening of the courts and judicial system, in particular the juvenile justice system, of Sierra Leone, as well as the national human rights commission as soon as possible;

(*c*) To urge the international community to make available the necessary funds to ensure that the budget set out in the Secretary-General's appeal for funds, personnel, equipment and services for the functioning and maintenance of the Special Court is fully covered so that the Court may bring to justice those who bear the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law, committed within the territory of Sierra Leone since 30 November 1996;

(*d*) To encourage the international community to respond to the appeal made by the Office of the High Commissioner and make available the necessary funds to ensure the establishment and functioning of the Truth and Reconciliation Commission;

(*e*) To request the Secretary-General to take all necessary measures to facilitate the activities of the Special Court, including those undertaken by the Management Committee;

(*f*) To request the High Commissioner and the international community to make relevant technical assistance available to personnel of the Special Court, in particular to judicial, prosecutorial and protection personnel, and requests the Office of the High Commissioner to dispatch a forensic team without delay to investigate mass graves and other evidence of atrocities in Sierra Leone that will be important for the work of the Truth and Reconciliation Commission and the Special Court;

(*g*) To request the Secretary-General, the High Commissioner and the international community to give all necessary assistance to the Human Rights Section of the United Nations Mission in Sierra Leone, including ensuring that the Section is fully integrated into the work of the Mission, to enable it to fulfil its mandate to report on violations of international humanitarian law and human rights in Sierra Leone and, in consultation with the relevant United Nations agencies, assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including:

(i) To strengthen its involvement in programmes of technical cooperation, advisory services and human rights advocacy programmes;

(ii) To strengthen its support for, and to continue and expand its cooperation with, human rights non-governmental organizations and other groups doing human rights work in Sierra Leone, including within the framework of the National Forum on Human Rights;

(*h*) To request the High Commissioner to report to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session on the human rights situation in Sierra Leone, including with reference to reports from the Human Rights Section of the Mission;

(*i*) To consider this question at its fifty-ninth session under the same agenda item, as a matter of high priority.

49th meeting
22 April 2002
[Adopted without a vote. See chap. IX.]

2002/21. Adequate housing as a component of the right to an adequate standard of living

The Commission on Human Rights,

Recalling its resolution 2000/9 of 17 April 2000, in which it decided to appoint, for a period of three years, a special rapporteur whose mandate would focus on adequate housing as a component of the right to an adequate standard of living, and resolution 2001/28 of 20 April 2001 on adequate housing as a component of the right to an adequate standard of living, as well as resolution 2001/34 of 23 April 2001 on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing,

Noting the work of the United Nations treaty bodies, in particular of the Committee on Economic, Social and Cultural Rights, in the promotion of the rights related to adequate housing,

Concerned that any deterioration in the general housing situation disproportionately affects the poor, as well as women and children, and members of groups requiring special protection,

1. *Takes note* of the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination (E/CN.4/2002/59 and Corr.1) and of relevant parts of the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2002/50);

2. *Welcomes* the attendance of the Special Rapporteur at the five-year review of the Habitat Agenda in June 2001, takes note of his contributions to the Third United Nations Conference on the Least Developed Countries in May 2001, to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001, and to the preparatory process of the International Conference on Financing for Development held in March 2002, and in this connection encourages the Special Rapporteur, in accordance with his mandate, to bring the issue of adequate housing to the attention of relevant review processes of United Nations conferences and summits, such as the World Summit on Sustainable Development, the World Food Summit: five years later, and the special session of the General Assembly on children, including, where possible, through contributing to and participating in these events;

3. *Encourages* the Special Rapporteur to strengthen the integration of the rights relevant to his mandate into the Global Campaign for Secure Tenure launched by the United Nations Human Settlements Programme and into other operational activities of the United Nations system, notably into processes and initiatives that are oriented towards poverty reduction, and to develop to this effect a dialogue with Governments, relevant United Nations bodies, in particular the Programme and the Office of the United Nations High Commissioner for Refugees, specialized agencies, international organizations, non-governmental organizations and international financial institutions;

4. *Also encourages* the Special Rapporteur to cooperate, in accordance with his mandate, with other rapporteurs, representatives, experts, notably the independent expert on the question of human rights and extreme poverty, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies;

5. *Requests* the Special Rapporteur, in the fulfilment of his mandate:

(*a*) To give particular emphasis to practical solutions with regard to the implementation of the rights relevant to his mandate, on the basis of pertinent information, notably on best practices, including on domestic legal enforcement of these rights, from Governments, relevant United Nations agencies and non-governmental organizations;

(*b*) To facilitate the provision of technical assistance;

6. *Also requests* the Special Rapporteur, within the limits of his mandate, further to review the interrelatedness of adequate housing as a component of the right to an adequate standard of living with other human rights;

7. *Further requests* the Special Rapporteur to report to the Commission at its fifty-ninth session;

8. *Requests* the United Nations High Commissioner for Human Rights to support cooperation between the Special Rapporteur and other rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and United Nations bodies, including human rights treaty bodies, that are relevant to the mandate of the Special Rapporteur;

9. *Requests* the Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme to strengthen their cooperation and to continue to develop a joint housing rights programme;

10. *Calls upon* all States:

(*a*) To give full effect to housing rights, including through domestic development policies at the appropriate level of government and with international assistance and cooperation, giving particular attention to the individuals, most often women and children, and communities living in extreme poverty, and to security of tenure;

(*b*) To ensure the observance of all their legally binding national standards in the area of housing;

(*c*) To cooperate with the Special Rapporteur;

(*d*) To submit to the Special Rapporteur information on different experiences, notably on best practices, in areas related to his mandate;

(*e*) Without distinction of any kind, such as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status:

- (i) To counter social exclusion and marginalization of people who suffer from discrimination on multiple grounds, in particular by ensuring non-discriminatory access to adequate housing for indigenous people and persons belonging to minorities;
- (ii) To promote participation in decision-making processes, in particular at the local level, when developing an adequate standard of living and housing;

11. *Invites* the Programme and the Office of the High Commissioner further to explore possibilities to support the Special Rapporteur;

12. *Requests* the Secretary-General to provide the Special Rapporteur with the assistance necessary for the execution of his mandate.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/22. Human rights and unilateral coercive measures

The Commission on Human Rights,

Recalling the purposes and the principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32, which declares that no State may use or encourage the use of economic, political or any type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recalling its resolution 2001/26 of 20 April 2001, and noting General Assembly resolution 56/148 of 19 December 2001,

Taking note with interest of the report of the Secretary-General on human rights and unilateral coercive measures (E/CN.4/2002/51 and Add.1),

Recognizing and reiterating the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights,

Expressing its concern about the negative impact of unilateral coercive measures in the field of international relations, trade, investment and cooperation,

Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights, and also severely threatens the freedom of trade,

Regretting that, despite the recommendations adopted on this issue by the General Assembly, the United Nations conferences held in the 1990s and their five-year reviews and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Reaffirming that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among

States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Calls upon* all Member States neither to recognize these measures nor apply them, as well as to consider adopting administrative or legislative measures, as appropriate, to counteract the extraterritorial application or effects of unilateral coercive measures;

3. *Rejects* the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all human rights of vast sectors of their populations, inter alia children, women, the elderly, disabled and ill people;

4. *Reiterates its call* upon Member States that have initiated such measures to abide by the principles of international law, the Charter of the United Nations, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

5. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

6. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

7. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

8. *Underlines* that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development and, in this regard, calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of domestic laws which run counter to the principles of free trade and hamper the development of developing countries, as recognized by the Intergovernmental Group of Experts on the Right to Development in its report (E/CN.4/1998/29);

9. *Requests once again* the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development, which will meet after the fifty-eighth session of the Commission on Human Rights, to give due consideration to the question of human rights and the negative impact of unilateral coercive measures;

10. *Invites* all special rapporteurs and existing thematic mechanisms of the Commission in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

11. *Decides* to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

12. *Requests*:

(*a*) The United Nations High Commissioner for Human Rights, in discharging her functions in relation to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

(*b*) The Secretary-General to bring the present resolution to the attention of all Member States and to seek their views and information on the implications and negative effects of unilateral coercive measures on their populations, and to submit a report thereon to the Commission on Human Rights at its fifty-ninth session;

13. *Decides* to examine this question, on a priority basis, at its fifty-ninth session under the same agenda item.

49th meeting
22 April 2002
[Adopted by a recorded vote of 38 votes to 6,
with 9 abstentions. See chap. X.]

2002/23. The right to education

The Commission on Human Rights,

Recalling its resolution 2001/29 on the right to education of 20 April 2001,

Recalling also that everyone shall enjoy the human right to education, which is enshrined, inter alia, in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Recalling further the Convention against Discrimination in Education adopted on 14 December 1960 by the United Nations Educational, Scientific and Cultural Organization, which prohibits any discrimination which has the purpose or effect of nullifying or impairing equality of treatment in education, *Welcoming* the Dakar Framework for Action adopted at the World Education Forum held in Dakar in April 2000, and the goals agreed upon at its adoption,

Noting the United Nations Millennium Declaration in which it is resolved that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education by 2015,

Affirming that the realization of the right to education, especially for girls, contributes to the eradication of poverty,

Welcoming the attention given to education in the preparatory process for the General Assembly special session on children and in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Deeply concerned that some one hundred and twenty million children, two thirds of whom are girls, have no access to education,

Welcoming the General Assembly's decision to proclaim the 10-year period beginning on 1 January 2003 the United Nations Literacy Decade,

1. *Notes with interest* the report of the Special Rapporteur on the right to education (E/CN.4/2002/60 and Add.1 and 2) and the report of the Secretary-General on economic, social and cultural rights (E/CN.4/2002/50);

2. *Also notes with interest* the work carried out by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child in the promotion of the right to education and their general comments, notably General Comment No. 11 (1999) on plans of action for primary education (art. 14 of the International Covenant on Economic, Social and Cultural Rights) and No. 13 (1999) on the right to education (art. 13 of the Covenant) adopted by the Committee on Economic, Social and Cultural Rights, and General Comment No. 1 (2001) on the aims of education (art. 29, para. 1, of the Convention on the Rights of the Child) adopted by the Committee on the Rights of the Child;

3. *Welcomes* the holding by the Committee on the Rights of the Child of a day of general discussion on 28 September 2001 on violence against children within the family and in schools and the Committee's recommendations to address such violence;

4. *Urges* all States:

(*a*) To give full effect to the right to education and to guarantee that this right is recognized and exercised without discrimination of any kind;

(*b*) To take all appropriate measures to eliminate obstacles limiting effective access to education, notably by girls, including pregnant girls, children living in rural areas, children belonging to minority groups, indigenous children, migrant children, refugee children, internally displaced children, children affected by armed conflicts, children with disabilities, children with human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and children deprived of their liberty:

- Taking all necessary legislative measures to prohibit explicitly discrimination in education on the basis of race, colour, descent, national, ethnic or social origin, sex, language, religion, political or other opinion, property, disability, birth or other status which has the purpose or effect of nullifying or impairing equality of treatment in education;

(*c*) To improve all aspects of the quality of education aimed at ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills, and, in this regard, to emphasize the development of quality indicators and monitoring instruments, to promote a sound school environment, school health, preventive education against HIV/AIDS and drug abuse, and science and technology education, and to carry out surveys and build up a knowledge base in order to provide advice on the use of information and communication technologies in education;

(*d*) To promote the renewal and expansion of basic formal education of good quality, which includes both early childhood care and education and primary education, using inclusive and innovative approaches to increase access and attendance for all;

(*e*) To mainstream human rights education in educational activities, in order to strengthen respect for human rights and fundamental freedoms;

(*f*) To enhance the status, morale and professionalism of teachers;

(*g*) To recognize and promote lifelong learning for all, both in formal and in informal settings;

(*h*) To ensure progressively and on the basis of equal opportunity that primary education is compulsory, accessible and available free to all;

(*i*) To adopt all necessary measures to close the gap between the school-leaving age and the minimum age for employment, including by raising the minimum age for employment and/or raising the school-leaving age when necessary, and to ensure access to free basic education and, wherever possible and appropriate, vocational training for all children liberated from the worst forms of child labour;

(*j*) To adopt effective measures to encourage regular attendance at school and reduce school drop-out rates;

(*k*) To support domestic literacy programmes, including vocational education components and non-formal education, in order to reach marginalized children, youth and adults, especially girls and women, to ensure that they enjoy the right to education and acquire the life skills necessary to overcome poverty and exclusion;

(*l*) To support the implementation of plans and programmes of action to ensure quality education and improved enrolment and retention rates for boys and girls and the elimination of gender discrimination and gender stereotypes in educational curricula and materials, as well as in the process of education;

(*m*) To take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in schools, to incorporate in their legislation appropriate sanctions for violations and the provision of redress and rehabilitation for victims, and in this context to take measures to eliminate corporal punishment in schools;

(*n*) To submit information on best practices for the elimination of discrimination in access to education, as well as for the promotion of quality education, to the Special Rapporteur;

5. *Invites* the Special Rapporteur to continue to work in accordance with her mandate and, in particular, to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education;

6. *Encourages* the Special Rapporteur to pursue her collaboration with the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child and her cooperation with the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization and the Office of the United Nations High Commissioner for Refugees, and her dialogue with the World Bank;

7. *Reaffirms* the importance of developing further the regular dialogue between the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur, invites them to pursue that dialogue and reiterates its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls;

8. *Requests* all States to continue their cooperation with, to assist the Special Rapporteur in the performance of her tasks and duties and to consider favourably the requests for information and visits;

9. *Requests* the Special Rapporteur to report to the Commission at its fifty-ninth session;

10. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of her mandate;

11. *Decides* to consider the right to education at its fifty-ninth session under the same agenda item.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/24. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the World Conference encouraged the Commission to continue the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights,

Recalling also previous resolutions of the Commission on Human Rights and of the Sub-Commission for the Promotion and the Protection of Human Rights on the realization of economic, social and cultural rights,

Taking note with interest of ongoing new efforts towards the realization of economic, social and cultural rights, and considering that, to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional efforts should be examined,

Taking note with interest also of the report of the round table organized on 30 November 2001 by the International Commission of Jurists on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2002/161, annex), *Welcoming* the organization by the Office of the United Nations High Commissioner for Human Rights of workshops worldwide on the promotion of economic, social and cultural rights, which examined, inter alia, the question of the justiciability of these rights, and in this respect taking note of the workshops held in New Delhi, Buenos Aires, Gaborone and Melbourne, Australia,

1. *Takes note with interest* of the report of the Secretary-General on the implementation of its resolution 2001/30 of 20 April 2001 (E/CN.4/2002/50), the report of the independent expert to examine the question of an optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2002/57) and the recommendations it contains, as well as all other relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights and the activities of intergovernmental and non-governmental organizations in that regard;

2. *Also takes note with interest* of the entry into force of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and of the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization and of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

3. *Notes with interest*:

(*a*) The work carried out by the Committee on Economic, Social and Cultural Rights to assist States parties in fulfilling their obligations, including through:

(i) The development and adoption of general comments, in order to assist in clarifying the content and scope of the articles of the International Covenant on Economic, Social and Cultural Rights;

(ii) The adoption of statements;

(iii) The holding of international consultations, such as the one held on 7 May 2001 on economic, social and cultural rights in the development activities of international institutions;

(iv) The convening of days of general discussion, such as the one on article 3 of the Covenant to be held during the Committee's twenty-eighth session;

(*b*) The work of the Committee on the Rights of the Child in the promotion of the economic, social and cultural rights of children;

(*c*) Efforts of the High Commissioner within the United Nations Development Group to promote economic, social and cultural rights;

(*d*) The elaboration of training programmes in the Office of the High Commissioner to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and encourages the Office to enhance the incorporation of economic, social and cultural rights in its technical cooperation programmes;

4. *Welcomes*:

(*a*) Ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations conferences and summits, notably the World Food Summit, held in Rome in November 1996, the second United Nations Conference on Human Settlements (Habitat II) held in Istanbul in June 1996, the World Summit for Social Development, held in Copenhagen in March 1995, the Fourth World Conference on Women, held in Beijing in September 1995, the International Conference on Population and Development, held in Cairo in September 1994, the World Conference on Education for All, held in Jomtien, Thailand, in March 1990 and the World Summit for Children, held in New York in September 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights; their follow-up processes, such as the World Education Forum held in Dakar in April 2000, the special session of the Assembly on the implementation of the World Summit for Social Development held in June 2000, the special session of the Assembly on the implementation of the Beijing Declaration and Programme for Action adopted by the Fourth World Conference on Women, also held in 2000, and the special session of the Assembly on the problem of the human immunodeficiency virus and acquired immunodeficiency syndrome (HIV/AIDS), the special session of the Assembly on the implementation of the second United Nations Conference on Human Settlements (Habitat II) and the Third United Nations Conference on the Least Developed Countries as well as the holding of forthcoming events, such as the special session of the General Assembly on children, the World Food Summit: five years later, the World Summit on Sustainable Development and the Second World Assembly on Ageing;

(*b*) Regional initiatives to promote the further realization of economic, social and cultural rights;

(*c*) The inclusion of the issue of the realization of economic, social and cultural rights in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), in which States underscored, inter alia, the need to design, promote and implement at the national, regional and international levels strategies, programmes and policies, and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance;

5. *Reaffirms*:

(*a*) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(*b*) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(*c*) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(*d*) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(*e*) The importance of international cooperation in assisting Governments to fulfil their obligation to protect and promote all human rights, including economic, social and cultural rights;

(*f*) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

6. *Calls upon* all States:

(*a*) To give full effect to economic, social and cultural rights;

(*b*) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(*c*) To consider signing and ratifying the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, and the States parties to implement them fully;

(*d*) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(*e*) To address the issue of economic, social and cultural rights during the special session of the General Assembly on children;

(*f*) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(*g*) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(*h*) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the Heavily Indebted Poor Countries Initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, inter alia through the development and implementation of programmes, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(*i*) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

7. *Calls upon* the States parties to the International Covenant on Economic, Social and Cultural Rights:

(*a*) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

(*b*) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(*c*) To submit their reports to the Committee in a regular and timely manner;

(*d*) To ensure that the Covenant is taken into account in all of their relevant national and international policy-making processes;

8. *Recalls* that international cooperation in solving international problems of an economic, social and cultural character and in promoting and encouraging respect for human rights and fundamental freedoms for all is one of the purposes of the United Nations, and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

9. *Decides*:

(*a*) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion, protection and full realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights, at the national and international levels, notably by:

(i) Enhancing its cooperation with United Nations specialized agencies, programmes and other bodies working on issues that bear upon the Covenant;

(ii) Drafting further general comments to assist and promote the further implementation by States parties of the Covenant, and making the experience gained through the examination of States parties' reports available for the benefit of all States parties;

(*b*) To encourage all United Nations specialized agencies and programmes, relevant special mechanisms of the Commission on Human Rights and other United Nations bodies, including human rights treaty bodies, whose activities bear upon economic, social and cultural rights to enhance their cooperation and, as appropriate, increase coordination with the Committee in a manner that respects their distinctive mandates and promotes their policies, programmes and projects;

(*c*) To renew, for a period of one year, the mandate of the independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights appointed pursuant to Commission resolution 2001/30, and to request him to submit a report to the Commission at its fifty-ninth session which would further address:

(i) The question of the nature and scope of States parties' obligations under the Covenant;

(ii) Conceptual issues on the justiciability of economic, social and cultural rights, with particular reference to the experience gained in recent years from the application of universal, regional and national human rights instruments and mechanisms;

(iii) The question of the benefits and the practicability of a complaint mechanism under the Covenant and the issue of complementarity between different mechanisms;

(*d*) To request States, intergovernmental organizations, including United Nations specialized agencies and non-governmental organizations, to submit their comments and views on the above-mentioned questions to the independent expert;

(*e*) To request the independent expert, in carrying out his mandate, to take into account those comments and views, as well as the views of experts and academics on the matter, and to draw from the experience gained by the relevant special mechanisms of the Commission, the Committee on Economic, Social and Cultural Rights and the United Nations specialized agencies;

(*f*) To establish, at its fifty-ninth session, an open-ended working group of the Commission with a view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights;

(*g*) To encourage the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, inter alia through the holding of expert meetings;

(*h*) To encourage the High Commissioner to continue to ensure better support for the Committee on Economic, Social and Cultural Rights, in particular under the Programme of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(*i*) To encourage the High Commissioner to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(*j*) To support the efforts by the High Commissioner to implement the proposed Programme of Action designed to enhance the ability of the Committee to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the Covenant to make voluntary financial contributions to ensure the adequate implementation of that Programme of Action;

10. Requests the Secretary-General to submit to the Commission at its fifty-ninth session a report on the implementation of the present resolution.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/25. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food, *Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling all its previous resolutions in this regard, in particular resolution 2001/25 of 20 April 2001, and taking note of General Assembly resolution 56/155 of 19 December 2001,

Reaffirming that all human rights are universal, indivisible and interdependent and interrelated,

Recognizing that the problem of hunger and food insecurity has global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the strain on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Summit and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* it intolerable that there are around 815 million undernourished people in the world and that every year 36 million people die, directly or indirectly, as a result of hunger and nutritional deficiencies, most of them women and children, particularly in developing countries, in a world that already produces enough food to feed the whole global population;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Invites* all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide necessary funding to realize the aim to halve by the year 2015 the proportion of people who suffer from hunger, as well as the right to food;

6. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food, as well as to elaborate and adopt national plans to combat hunger;

7. *Recalls* the report *The State of the World's Children 2001* on early childhood of the United Nations Children's Fund and, in this context, that the nurturing of young children merits the highest priority;

8. *Takes note with appreciation* of the report of the Special Rapporteur on the right to food (E/CN.4/2002/58 and Add.1), and commends the Special Rapporteur for his valuable work in promoting the right to food;

9. *Reiterates the request* to the Special Rapporteur to contribute effectively to the medium-term review of the implementation of the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, to be held in Rome from 10 to 13 June 2002, by submitting to the United Nations High Commissioner for Human Rights his recommendations on all aspects of the right to food, and to attend this event in order to contribute fully to the proceedings in the light of his mandate;

10. *Welcomes* the three expert consultations on the right to food convened by the High Commissioner and her personal commitment to the promotion and realization of the right to food and, pursuant to objective 7.4 of the World Food Summit Plan of Action, requests the High Commissioner to submit to the forthcoming World Food Summit a comprehensive report, building on the work already done by the Special Rapporteur of the Commission and the outcome of the three expert consultations convened by her Office in relation with this matter;

11. *Encourages* the Special Rapporteur to mainstream a gender perspective in the fulfilment of his mandate;

12. *Requests* the High Commissioner to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

13. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (art. 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

14. *Requests* the Special Rapporteur to submit a report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

15. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia through the submission of comments and suggestions on ways and means of realizing the right to food.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/26. Promotion of the enjoyment of the cultural rights of everyone and respect for different cultural identities

The Commission on Human Rights,

Recalling the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as other pertinent human rights instruments,

Noting that numerous declarations within the United Nations system promote respect for cultural diversity, as well as for international cultural cooperation, in particular the Declaration of the Principles of International Cultural Cooperation and the United Nations Educational, Scientific and Cultural Organization Universal Declaration on Cultural Diversity, adopted by its General Conference in 1966 and 2001 respectively, *Stressing* the importance of the promotion of the cultural rights of everyone and of respect for different cultural identities,

Convinced that international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all should be based on a profound understanding of the variety of problems existing in different societies, on full respect for their economic, social and cultural realities and on the full realization and recognition of the universality of all human rights and the principles of freedom, justice, equality and non-discrimination,

Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches our societies,

Noting the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted on 14 November 1970 by the General Conference of the United Nations Educational, Scientific and Cultural Organization, and the Convention on Stolen or Illegally Exported Cultural Objects, adopted on 24 June 1995 by the International Institute for the Unification of Private Law,

Aware of the importance attached by the countries of origin to the return of cultural property which is of fundamental spiritual and cultural value to them, so that they may constitute collections representative of their cultural heritage,

Expressing concern about the illicit traffic of cultural property and its damage to the cultural heritage of nations,

Expressing its determination to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity,

1. *Reaffirms* that cultural rights are an integral part of human rights, which are universal, indivisible and interdependent;

2. *Reiterates* that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits;

3. *Also reiterates* that everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he/she is the author;

4. *Affirms* that each culture has a dignity and value which must be respected and preserved and that every people has the right and the duty to develop its culture;

5. *Recognizes* that States have the primary responsibility for the promotion of the full enjoyment of cultural rights by everyone and for the enhancement of respect for different cultural identities;

6. *Also recognizes* that the promotion and protection of the full enjoyment of cultural rights by everyone and the respect for different cultural identities is a vital element for the protection of cultural diversity in the context of the ongoing process of globalization;

7. *Reaffirms* that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

8. *Underlines* the importance of cultural cooperation for all peoples and all nations, which should share with one another their knowledge and skills, and that international cooperation, while promoting the enrichment of all cultures through its beneficent action, should respect the distinctive character of each;

9. *Emphasizes* that cultural cooperation is specially concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace and should foster awareness among States of the need to stimulate talent and promote the training of the rising generations in the most varied sectors;

10. *Recognizes* that the promotion and protection of cultural diversity implies a commitment to human rights and fundamental freedoms guaranteed by international law and advances the application and the enjoyment of cultural rights by everyone;

11. *Also recognizes* that the promotion of the cultural rights of every one, of respect for the distinct cultural identities of peoples and of protection of the cultural diversity of humanity advances the implementation and enjoyment of all human rights by all;

12. *Stresses* that, in the face of current imbalances in flows and exchanges of cultural goods and services at the global level, it is necessary to reinforce international cooperation and solidarity aimed at enabling all countries, especially developing countries and countries in transition, to establish cultural industries that are viable and competitive at national and international level;

13. *Underlines* that market forces alone cannot guarantee the preservation and promotion of cultural diversity, which is the key to sustainable human development, and from this perspective, recognizes that the pre-eminence of public policy, in partnership with the private sector and civil society, must be reaffirmed;

14. *Requests* the United Nations High Commissioner for Human Rights to consult States, intergovernmental and non-governmental organizations on the implementation of the present resolution and on the possibility of appointing a special rapporteur the basis of whose mandate would be the comprehensive implementation of the present resolution;

15. *Also requests* the High Commissioner to report on the results of the consultations requested in paragraph 14 to the Commission, at its fifty-ninth session, under the agenda item entitled "Economic, social and cultural rights".

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/27. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23), particularly on the question of the human rights of everyone to life and the enjoyment of the highest attainable standard of physical health,

Recalling its earlier resolutions on the subject, in particular, its resolution 2001/35 of 23 April 2001, General Assembly resolution 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989 and 45/13 of 7 November 1990,

Recalling further the existing international framework on the movement of toxic and hazardous substances and wastes, in particular the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, including its Ban Amendment adopted in 1995, and the regional instruments and arrangements in this regard,

Affirming that the illicit movement and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health, particularly of individuals in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping, *Aware* of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in developing countries that do not have the national capacity to deal with them in an environmentally sound manner,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and the enjoyment of the highest attainable standard of physical health,

1. *Takes note* of the report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/2002/61);

2. *Appreciates* the efforts made by the Special Rapporteur in carrying out her mandate in the face of very limited financial resources;

3. *Categorically condemns* the illicit dumping of toxic and dangerous products and wastes in developing countries;

4. *Reaffirms* that illicit traffic in and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and the enjoyment of the highest attainable standard of physical health;

5. *Urges* all Governments to take appropriate legislative and other measures, in line with their international obligations, to prevent the illegal international trafficking in toxic and hazardous products and wastes, the transfer of toxic and hazardous products and wastes through fraudulent waste-recycling programmes, and the transfer of polluting industries, industrial activities and technologies, which generate hazardous wastes, from developed to developing countries;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Commission on Sustainable Development, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization and regional organizations to continue to intensify their coordination and international cooperation and technical assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Requests* the Governments of developed countries, together with international financial institutions, to provide financial assistance to African countries for the implementation of the Programme of Action adopted at the First Continental Conference for Africa on the Environmentally Sound Management of Unwanted Stocks of Hazardous Wastes and their Prevention, held in Rabat, from 8 to 12 January 2001;

8. *Welcomes* the ongoing work of the secretariat for the Basel Convention and also welcomes the cooperation between the secretariat and:

(*a*) The International Criminal Police Organization, in the monitoring and prevention of cases of illegal trafficking in toxic and dangerous products and wastes through the exchange of information;

(*b*) The World Customs Organization, in the training of customs officers and the harmonization of classification systems for effective control at customs border posts;

9. *Expresses its appreciation* to the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

10. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to continue to give appropriate support to developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and the enjoyment of the highest attainable standard of physical health of everyone;

11. *Urges* all Governments to ban the export of toxic and dangerous products, substances, chemicals, pesticides and persistent organic pollutants that are banned or severely restricted in their own countries;

12. *Urges* the Special Rapporteur to continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

13. *Reiterates its request* to the Special Rapporteur to continue to consult all relevant United Nations bodies, organizations and secretariats, in particular the Chemical Division of the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the secretariat for the Basel Convention, and to take duly into account the progress made in other forums and to identify loopholes;

14. *Invites* the Special Rapporteur, in accordance with her mandate, to include in her report to the Commission at its fifty-ninth session comprehensive information on:

(*a*) Persons killed, maimed or otherwise injured in developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(*b*) The question of the impunity of the perpetrators of these heinous crimes, including racially motivated discriminatory practices, and to recommend measures to bring them to an end;

(*c*) The question of rehabilitation of and assistance to victims;

(*d*) The scope of national legislation in relation to transboundary movement and dumping of toxic and dangerous products and wastes;

(*e*) The question of fraudulent waste-recycling programmes, the transfer of polluting industries, industrial activities and technologies from the developed to developing countries, ambiguities in international instruments that allow illegal movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of the international regulatory mechanisms;

15. *Encourages* the Special Rapporteur, in accordance with her mandate and with the support and assistance of the Office of the High Commissioner for Human Rights, to continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission;

16. *Reiterates its call* to the Secretary-General to continue to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular:

(*a*) To provide her with adequate financial and human resources, including administrative support;

(*b*) To provide her with the necessary specialized expertise to enable her to carry out her mandate fully;

(*c*) To facilitate her consultations with specialized institutions and agencies, in particular with the United Nations Environment Programme and the World Health Organization, with a view to improving the provision by such institutions and agencies of technical assistance to Governments which request it and appropriate assistance to victims;

17. *Decides* to continue consideration of this question at its fifty-ninth session, under the same agenda item.

49th meeting
22 April 2002
[Adopted by a recorded vote of 37 votes to 14,
with 2 abstentions. See chap. X.]

2002/28. Globalization and its impact on the full enjoyment of human rights

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Reaffirming its resolutions 2001/32 of 23 April 2001 and 1999/59 of 28 April 1999 and General Assembly resolutions 56/165 of 19 December 2001 and 55/102 of 4 December 2000,

Affirming that, while globalization offers great opportunities, at present its benefits are very unevenly shared and costs are unevenly distributed, and that developing countries face difficulties in responding to this central challenge,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and taking note of the conclusions adopted by consensus by the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development at its third session (E/CN.4/2002/28/Rev.1, annex II),

Recognizing that globalization should be guided by the fundamental principles that underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, at both the national and international levels, respect for diversity and international cooperation and solidarity,

Affirming in this regard that multilateral institutions have a unique role to play in meeting the challenges and opportunities presented by globalization,

Taking note of the Ministerial Declaration adopted by the fourth Ministerial Conference of the World Trade Organization, held in Doha in November 2001 (A/C.2/56/7, annex) and the Monterrey Consensus adopted by the International Conference on Financing for Development, held in March 2002 (A/CONF.198/3, annex),

Taking note with appreciation of the results of the workshop on the impact of globalization on the full enjoyment of economic, social and cultural rights and the right to development organized by the Office of the United Nations High Commissioner for Human Rights within the framework of its technical cooperation programme in the Asian and Pacific region, held in May 2001 in Kuala Lumpur,

Deeply concerned at the widening gap between the developed and the developing countries, which adversely affects the full enjoyment of human rights, particularly in the developing countries,

1. *Recognizes* that, while globalization, by its impact on, inter alia, the role of the State, may affect human rights, the promotion and protection of all human rights is first and foremost the responsibility of the State;

2. *Reaffirms* that, in addition to States' separate responsibilities to their individual societies, they have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Also reaffirms* the commitment to create an environment at both the national and international levels that is conducive to development and to the elimination of poverty through, inter alia, good governance within each country and at the international level, transparency in the financial, monetary and trading systems and the commitment to an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system;

4. *Further reaffirms* that the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political developments in which all human rights and fundamental freedoms can be fully realized;

5. *Welcomes* the report of the United Nations High Commissioner for Human Rights entitled "Globalization and its impact on the full enjoyment of human rights" (E/CN.4/2002/54), which focuses on the liberalization of agricultural trade and its impact on the realization of the right to development, including the right to food, and takes note of the conclusions and recommendations contained therein;

6. *Underlines* that, in the absence of a framework based on the fundamental principles which underpin the corpus of human rights, such as equality, participation, accountability, non-discrimination, respect for diversity and international cooperation and solidarity, globalization will continue on its inherently asymmetrical course;

7. *Requests*, therefore, the High Commissioner, taking fully into account the present resolution and in cooperation with the United Nations Conference on Trade and Development, the World Trade Organization and other relevant international financial and economic institutions, to study and clarify the fundamental principle of non-discrimination and its application at the global level with a view to recommending measures for its integration and effective implementation in the debate on and process of globalization, and to submit a comprehensive analytical study on that subject to the Commission at its fifty-ninth session;

8. *Welcomes* the progress report of the Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2001/10) and requests them to take into account the content of the present resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session;

9. *Underlines once again* the need for the treaty bodies, special rapporteurs/ representatives, independent experts and working groups of the Commission, within their mandates and where appropriate, to take into consideration the content of the present resolution and the report of the High Commissioner entitled "Globalization and its impact on the full enjoyment of human rights";

10. *Requests* the High Commissioner to integrate the theme of globalization and its impact on the enjoyment of human rights in the programmes of her Office concerning regional arrangements for the promotion and protection of human rights and, in this context, to convene intersessional workshops during the year to gather relevant data and opinions with a view to evaluating the varied impact of globalization on the enjoyment of human rights in various regions and parts of the world, and to report to the Commission at its next session;

11. *Decides* to consider this issue again at its fifty-ninth session.

49th meeting
22 April 2002
[Adopted by a recorded vote of 38 votes to 15.
See chap. X.]

2002/29. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 2001/27 of 20 April 2001,

Deeply convinced of the need to create a new spirit of international cooperation based on the principle of achieving shared benefits, but also based on common but differentiated responsibilities, between the developing and industrialized countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries, *Aware* that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the benefits of globalization are very unevenly shared while its costs are unevenly distributed, and that it creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the global level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Stresses* that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

2. *Is fully aware* that the structural adjustment programmes give inadequate attention to the provision of social services and that only a few countries manage to achieve sustainable higher growth under these programmes;

3. *Expresses its concern* at the persistence of the external debt problem, that the vicious cycle of debt and underdevelopment has become further entrenched, that debt service has grown at a much greater rate than the debt itself and that the burden of payments has become heavier in many developing countries, including those with low and middle incomes, despite repeated rescheduling, and that the current debt and poverty reduction and growth initiatives lack sufficient funding and have several conditions attached;

4. *Also expresses its concern* at the external debt overhang that affects most least developed countries and remains a main obstacle to their development;

5. *Recalls* the pledge, contained in the political declaration contained in the annex to resolution S-24/2, adopted on 1 July 2000 by the General Assembly at its twenty-fourth special session, to find effective, equitable, development-oriented and durable solutions to the external debt and debt-servicing burdens of developing countries;

6. *Welcomes* the conclusion of the statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, that some of the structural obstacles confronting developing States' anti-poverty strategies lie beyond their control in the contemporary international order and that it is imperative that measures be taken urgently to remove these global structural obstacles, such as unsustainable foreign debt, the widening gap between rich and poor, and the absence of an equitable multilateral trade, investment and financial system; otherwise, the national anti-poverty strategies of some States have limited chance of sustainable success;

7. *Reiterates* that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order based, inter alia, on open, equitable, secure, non-discriminatory, predictable, transparent and multilateral rule-based international financial and trading systems, which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

8. *Stresses* the need for the economic programmes arising from foreign debt to be country-driven and for their macroeconomic and financial policy issues to be integrated, on an equal footing and a consistent way, with the realization of the broader social development goals, taking into account the specific characteristics, conditions and needs of the debtor countries;

9. *Affirms* that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment policies, growth programmes and economic reforms arising from the debt;

10. *Emphasizes* the important need for initiatives on foreign debt, in particular in the enhanced Heavily Indebted Poor Countries Initiative and the decision of the Paris Club to go beyond the Naples terms, to be extended, expedited, implemented completely and made more flexible, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

11. *Also emphasizes* the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

12. *Requests* the independent expert to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(*a*) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular economic, social and cultural rights in developing countries;

(*b*) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(*c*) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

13. *Also requests* the independent expert to provide an advance copy of his annual report to the Open-ended working group established to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights, in order to assist the group in the fulfilment of its mandate;

14. *Requests* the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

15. *Urges* Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

16. *Calls upon* Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

17. *Also calls upon* Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

18. *Urges* States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

19. *Recognizes* that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission in the deliberations and activities of international and regional financial institutions;

20. *Reiterates its view* that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries and the multilateral financial institutions, within the United Nations system, based on the principle of shared interests and responsibilities;

21. *Requests* the Economic and Social Council to authorize the Working Group on Structural Adjustment to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-ninth session of the Commission with the mandate to: (*a*) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (*b*) report to the Commission at its fifty-ninth session;

22. *Reiterates its request* to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

23. *Requests* the High Commissioner to take urgent action to strengthen the responsiveness of the Office of the United Nations High Commissioner for Human Rights in the area of economic, social and cultural rights;

24. *Decides* to continue the consideration of this matter at its fifty-ninth session under the same agenda item.

49th meeting
22 April 2002
[Adopted by a recorded vote of 29 votes to 15,
with 9 abstentions. See chap. X.]

2002/30. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights, *Recalling in particular* that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, fifty-four years after the adoption of the Universal Declaration of Human Rights, extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness, are particularly severe in developing countries, though acknowledging the progress made in many parts of the world,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted in June 1993 by the World Conference on Human Rights,

Recalling in particular that the World Conference reaffirmed that least developed countries committed to the process of democratization and economic reforms, many of which are in Africa, should be supported by the international community in order to succeed in their transition to democracy and economic development,

Bearing in mind the commitments reaffirmed in the United Nations Millennium Declaration, particularly to spare no effort to fight against extreme poverty,

Recalling General Assembly resolution 50/107 of 20 December 1995, in which the Assembly proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006), and the report of the Secretary-General on the implementation of the Decade (A/55/407),

Recalling also the resolutions of the General Assembly on human rights and extreme poverty, in particular resolution 55/106 of 4 December 2000, and the importance they attach to giving men and women living in extreme poverty the wherewithal to organize and participate in all aspects of political, economic and social life,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind, *Recalling* the report of the Secretary-General on women's real enjoyment of their human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/11),

Recalling its resolution 2001/34 of 23 April 2001, on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, which recognizes that restrictions on women's equal access to credit and loans and factors preventing them from owning and inheriting land may contribute to the feminization of poverty,

Recalling also the Declaration of the Microcredit Summit, held in Washington, D.C., in February 1997, which launched a global campaign to reach one hundred million of the world's poorest families, especially women, with credit for self-employment by the year 2005,

Noting with interest the statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, aimed at encouraging the integration of human rights into poverty eradication policies by outlining how human rights generally, and the International Covenant in particular, can empower the poor and enhance anti-poverty strategies,

Also noting with interest the report submitted by the independent expert on the question of human rights and extreme poverty pursuant to Commission resolution 2001/31 of 23 April 2001 (E/CN.4/2002/55) and the recommendations the expert makes, inter alia on the introduction of decentralization policies suited to the needs and particular characteristics of men and women living in extreme poverty, on giving them greater representation on national human rights bodies, on establishing civil registry services where necessary to provide better safeguards for their legal rights, including their right to be recognized as persons before the law, to own property and to inherit, and on giving them better access to the justice system,

Noting resolution 2001/8 of the Sub-Commission on the Promotion and Protection of Human Rights of 15 August 2001, which designates experts to prepare a working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, and encouraging the experts to continue to cooperate with the independent expert,

1. *Reaffirms* that:

(*a*) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(*b*) The right to life includes within it existence in human dignity with the minimum necessities of life;

(*c*) The existence of widespread absolute poverty inhibits the full and effective enjoyment of human rights and renders democracy and popular participation fragile;

(*d*) For peace and stability to endure, national action and international action and cooperation are required to promote a better life for all in larger freedom, a critical element of which is the eradication of poverty;

(*e*) Political commitment, social justice and equal access to social services are conditions sine qua non for the eradication of poverty, and welcomes in this connection the fact that States and international organizations have never been so aware of the urgency of winning the battle against extreme poverty;

(*f*) It is essential for States to foster participation by the poorest people in the decision-making process in the societies in which they live and in the realization of human rights, and for people living in poverty and vulnerable groups to be empowered to help plan, implement and evaluate policies that affect them, thus enabling them to become genuine partners in development;

(*g*) Special attention must be given to the plight of women, particularly older women and women alone at home, and children, who often bear the greatest burden of extreme poverty;

2. *Recalls* that:

(*a*) The Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes;

(*b*) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and that thought must be given to the subject, drawing on the experience and ideas communicated by the poorest themselves and by those committed to working alongside them;

(*c*) In its resolution 1997/11 of 3 April 1997, it requested the United Nations High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, to ensure better cooperation between the institutions and bodies involved, regularly to inform the General Assembly of the evolution of the question and to submit specific information on this question at events such as the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(*d*) In her report to the General Assembly of 11 September 1998 on the mid-term evaluation of the Vienna Declaration and Programme of Action (A/53/372, annex), the High Commissioner proposed that the Second and Third Committees of the General Assembly should work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities;

3. *Recognizes* the efforts of developing countries, in particular the commitment and determination of the African leaders, to seriously address the challenges of poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity, through initiatives such as the New Partnership for Africa's Development (formerly known as the New African Initiative) and other innovative mechanisms such as the World Solidarity Fund for the Eradication of Poverty, and calls upon developed countries, the United Nations and its specialized agencies, as well as the international financial institutions, to provide, through their operational programmes, new and additional financial resources, as appropriate, to support these initiatives;

4. *Welcomes* the increasing number of events associated with the celebration, on 17 October of each year, of the International Day for the Eradication of Poverty and the opportunity which these events provide to people and populations living in extreme poverty to make their voices heard;

5. *Expresses its appreciation*:

(*a*) That an integrated approach is being followed by the United Nations system in addressing the question of extreme poverty, particularly through the adoption and the implementation of the United Nations action strategy for halving extreme poverty by 2015;

(*b*) That the international financial institutions have developed new policies strengthening the human and social dimension of their action, and encourages them to continue to do so;

(*c*) For the initiatives taken in many countries by national education authorities to raise awareness among all children and young people of the existence of extreme poverty and the urgent need for united action to enable the poorest people to regain their rights;

(*d*) For the priority that the independent expert continues to give to enabling men and women living in extreme poverty to express themselves, and the emphasis in her report on the need for States to take account of their demands in shaping State policies;

(*e*) For the many responses from Governments to the questionnaires sent out by the independent expert to gather views and experiences in the field of human rights and the eradication of extreme poverty;

6. *Calls upon*:

(*a*) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(*b*) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between human rights and extreme poverty, as well as efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

(*c*) The United Nations to strengthen poverty eradication as a priority throughout the United Nations system;

7. *Urges* States and encourages the private sector and international financial and development institutions, such as the World Bank and regional development banks, to promote participation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance in economic, cultural and social decision-making at all stages, particularly in the development and implementation of poverty-alleviation strategies, development projects, and trade and market assistance programmes;

8. *Invites*:

(*a*) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(*b*) States, international organizations and non-governmental organizations to submit to the Secretary-General, by the fifty-ninth session of the Commission, their views and comments on the recommendations contained in the report of the independent expert on extreme poverty (E/CN.4/2002/55);

9. *Decides* to renew for two years the mandate of the independent expert on the question of human rights and extreme poverty, and requests her:

(*a*) To take into account the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the World Summit on Sustainable Development to be held in Johannesburg, South Africa, from 26 August to 4 September 2002;

(*b*) To continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, including through the identification of local, national and international good practices;

(*c*) To continue, including during her visits, her consultations with men and women living in extreme poverty and the communities in which they live on ways of developing their capacity to express their views and organize themselves, and to involve national human rights bodies in this exercise;

(*d*) To identify good practices by national and local authorities for taking into account while shaping their policies the needs and demands voiced by the least well off;

(*e*) To continue her cooperation with international organizations, including the financial institutions, with a view to identifying the best programmes for combating extreme poverty;

(*f*) To contribute to the mid-term evaluation of the first United Nations Decade for the Eradication of Poverty, scheduled for 2002, and the associated events;

(*g*) To report on her activities to the Commission on Human Rights at its fifty-ninth and sixtieth sessions, and to make those reports available to the Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

10. *Also decides* to consider this question at its fifty-ninth session under the same agenda item;

11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 16.]

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/31. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right and that such a right derives from the inherent dignity of the human person,

Recalling the declarations and programmes of action adopted by the major United Nations conferences and summits and their follow-up meetings, *Recalling also* its previous resolutions on the realization of economic, social and cultural rights, in particular resolutions 2001/30 of 20 April 2001, 2001/33 of 23 April 2001 and 2001/51 of 24 April 2001,

Taking note with interest of General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Aware that, for millions of people throughout the world, the full enjoyment of the right to the highest attainable standard of physical and mental health still remains a distant goal and that, in many cases, especially for those living in poverty, this goal is becoming increasingly remote,

Recognizing a need for States, in cooperation with international organizations and civil society, including non-governmental organizations and the private sector, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of the right of everyone to the highest attainable standard of physical and mental health,

Welcoming the recent initiatives by the Secretary-General and relevant United Nations bodies and programmes, such as the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as public-private partnership initiatives, such as the Global Fund to Fight Acquired Immunodeficiency Syndrome, Tuberculosis and Malaria, which contribute to improvements in addressing health issues worldwide, including in developing countries, while noting that further progress should be achieved in this regard, including in the mobilization of resources,

Mindful of the need to promote and protect the progressive realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

1. *Urges* States to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources for this purpose, with a view to achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health by all appropriate means, including particularly the adoption of legislative measures;

2. *Calls upon* the international community to continue to assist the developing countries in promoting the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including through financial and technical support as well as training of personnel, while recognizing that the primary responsibility for promoting and protecting all human rights rests with States;

3. *Calls upon* States to guarantee that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health will be exercised without discrimination of any kind;

4. *Decides* to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights, article 24 of the Convention on the Rights of the Child and article 12 of the Convention on the Elimination of All Forms of Discrimination against Women, as well as on the right to non-discrimination as reflected in article 5 (*e*) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Requests* the Special Rapporteur:

(*a*) To gather, request, receive and exchange information from all relevant sources, including Governments, intergovernmental organizations and non-governmental organizations, on the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

(*b*) To develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including Governments, relevant United Nations bodies, specialized agencies and programmes, in particular the World Health Organization and the Joint United Nations Programme on Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, as well as non-governmental organizations and international financial institutions;

(*c*) To report on the status, throughout the world, of the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, in accordance with the provisions of the instruments listed in paragraph 4 above, and on developments relating to this right, including on laws, policies and good practices most beneficial to its enjoyment and obstacles encountered domestically and internationally to its implementation;

(*d*) To make recommendations on appropriate measures to promote and protect the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, with a view to supporting States' efforts to enhance public health;

6. *Requests* the Special Rapporteur to avoid in her or his work any duplication or overlapping with the work, competence and mandate of other international bodies active in health issues;

7. *Invites* the Special Rapporteur to apply a gender perspective in her or his work and to pay special attention to the needs of children in the realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

8. *Also invites* the Special Rapporteur to take into account in her or his work the relevant provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), as well as of the declarations and programmes of

action adopted by the major United Nations conferences and summits and their follow-up meetings, and to bear in mind General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights and General Recommendation No. 24 of the Committee on the Elimination of Discrimination against Women, adopted at its twentieth session, as well as any other general comment that treaty bodies adopt on related provisions of relevant instruments;

9. *Requests* the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the Special Rapporteur's mandate from within existing resources;

10. *Calls upon* Governments to cooperate fully with the Special Rapporteur in the implementation of her or his mandate, to provide all information requested and to respond promptly to her or his communications;

11. *Requests* the Special Rapporteur to submit an annual report to the Commission on the activities performed under her or his mandate;

12. *Decides* to continue consideration of this matter at its fifty-ninth session under the same agenda item.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/32. Access to medication in the context of pandemics such as HIV/AIDS

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming also that the right of everyone to the enjoyment of the highest attainable standard of physical and mental health is a human right,

Recalling its resolutions 1999/49 of 27 April 1999, 2001/33 of 23 April 2001 and 2001/51 of 24 April 2001,

Bearing in mind World Health Assembly resolutions WHA54.10 entitled "Scaling up the response to HIV/AIDS" and WHA54.11 entitled "WHO medicines strategy", both adopted on 21 May 2001, as well as the resolution concerning human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and the world of work adopted on 13 June 2000, by the International Labour Conference, *Acknowledging* that prevention and comprehensive care and support, including treatment and access to medication for those infected and affected by pandemics such as HIV/AIDS, are inseparable elements of an effective response and must be integrated into a comprehensive approach to combat such pandemics,

Recalling the guidelines elaborated at the Second International Consultation on HIV/AIDS and Human Rights held in Geneva from 23 to 25 September 1996 (E/CN.4/1997/37, annex I), in particular guideline 6,

Recalling also General Comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights), adopted by the Committee on Economic, Social and Cultural Rights at its twenty-second session in May 2000,

Noting with great concern that, according to the Joint United Nations Programme on HIV/AIDS, the HIV/AIDS pandemic claimed 3 million lives in 2001,

Alarmed that, according to the same source, about 40 million people were infected with HIV by the end of 2001,

Alarmed also at the high levels of prevalence of other infectious diseases, such as tuberculosis and malaria, and acknowledging the significance of HIV/AIDS in the increase in tuberculosis and other opportunistic infections,

Recognizing the need to promote prevention and comprehensive care and support, including treatment and access to medication, for those affected by tuberculosis and malaria,

Welcoming the recent initiatives by the Secretary-General and relevant United Nations agencies to make HIV/AIDS-related drugs more accessible to developing countries and noting that much more can be done in this regard,

Welcoming also the Declaration of Commitment on HIV/AIDS "Global Crisis - Global Action" adopted by the General Assembly in its resolution S-26/2 of 27 June 2001 at its special session on HIV/AIDS,

Welcoming further the creation of the Global Fund to Fight AIDS, Tuberculosis and Malaria, the purpose of which is to attract, manage and disburse additional resources through a new public-private partnership that will make a sustainable and significant contribution to the reduction of infections, illness and death, by making grants for the prevention, treatment, care and support of the infected and directly affected,

Recognizing that the spread of HIV/AIDS can have a uniquely devastating impact on all sectors and levels of society and stressing that the HIV/AIDS pandemic, if unchecked, may pose a risk to stability and security, as stated in Security Council resolution 1308 (2000) of 17 July 2000, *Emphasizing*, in view of the increasing challenges presented by pandemics such as HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS and by preventing related discrimination and stigma,

1. *Recognizes* that access to medication in the context of pandemics such as HIV/AIDS is one fundamental element for achieving progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;

2. *Calls upon* States to pursue policies, in accordance with applicable international law, including international agreements acceded to, which would promote:

(*a*) The availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(*b*) The accessibility to all without discrimination, including the most vulnerable sectors of the population, of such pharmaceuticals or medical technologies and their affordability for all, including socially disadvantaged groups;

(*c*) The assurance that pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, irrespective of their sources and countries of origin, are scientifically and medically appropriate and of good quality;

3. *Also calls upon* States, at the national level, on a non-discriminatory basis:

(*a*) To refrain from taking measures which would deny or limit equal access for all persons to preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them;

(*b*) To adopt legislation or other measures, in accordance with applicable international law, including international agreements acceded to, to safeguard access to such preventive, curative or palliative pharmaceuticals or medical technologies from any limitations by third parties;

(*c*) To adopt all appropriate positive measures to the maximum of the resources allocated for this purpose, to promote effective access to such preventive, curative or palliative pharmaceuticals or medical technologies;

4. *Further calls upon* States, in furtherance of the Declaration of Commitment on HIV/AIDS, to address factors affecting the provision of drugs related to the treatment of pandemics such as HIV/AIDS and the most common opportunistic infections that accompany

them, as well as to develop integrated strategies to strengthen health care systems, including laboratory capacities and the training of health-care providers and technicians, in order to provide treatment and monitor the use of medications, diagnostics and related technologies;

5. *Calls upon* States to take all appropriate measures, nationally and through cooperation, to promote the development of new and more effective preventive, curative or palliative pharmaceuticals, in accordance with applicable international law, including international agreements acceded to;

6. *Also calls upon* States, at the international level, to take steps, individually and/or through international cooperation, in accordance with applicable international law, including international agreements acceded to, such as:

(*a*) To facilitate, wherever possible, access in other countries to essential preventive, curative or palliative pharmaceuticals or medical technologies used to treat pandemics such as HIV/AIDS or the most common opportunistic infections that accompany them, as well as to extend the necessary cooperation, wherever possible, especially in times of emergency;

(*b*) To ensure that their actions as members of international organizations take due account of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and that the application of international agreements is supportive of public health policies which promote broad access to safe, effective and affordable preventive, curative or palliative pharmaceuticals and medical technologies;

7. *Welcomes* the Declaration on the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and Public Health adopted at the Fourth World Trade Organization Ministerial Conference in November 2001, in which World Trade Organization members:

(*a*) Recognize the gravity of the public health problems afflicting many developing countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics;

(*b*) Stress the need for the TRIPS Agreement to be part of the wider national and international action to address these problems;

(*c*) Recognize that intellectual property protection is important for the development of new medicines and also recognized the concerns about its effects on prices;

(*d*) Agree that the TRIPS Agreement does not and should not prevent World Trade Organization members from taking measures to protect public health; accordingly, while reiterating their commitment to the TRIPS Agreement, they affirmed that the Agreement can and should be interpreted and implemented in a manner supportive of members' right to protect public health and, in particular, to promote access to medicines for all; in this connection, they reaffirmed the right of members to use, to the full, the provisions in the TRIPS Agreement, which provide flexibility for this purpose;

8. *Calls upon* the international community, the developed countries in particular, to continue to assist the developing countries in their fight against pandemics such as HIV/AIDS through financial and technical support, as well as through the training of personnel;

9. *Invites* the Committee on Economic, Social and Cultural Rights, when considering the human rights dimension of combating pandemics such as HIV/AIDS, to give attention to the issue of access to medication and invites States to include appropriate information thereon in the reports they submit to the Committee;

10. *Takes note with interest* of the report of the Secretary General on access to medication in the context of pandemics such as HIV/AIDS (E/CN.4/2002/52 and Add.1);

11. *Requests* the Secretary-General to solicit comments from Governments, United Nations organs, programmes and specialized agencies and international and non-governmental organizations on the steps they have taken to promote and implement, where applicable, the present resolution, as well as to report thereon to the Commission at its fifty-ninth session;

12. *Decides* to continue its consideration of this matter at its fifty-ninth session, under the same agenda item.

49th meeting
22 April 2002
[Adopted without a vote. See chap. X.]

2002/33. Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, in which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of Costa Rica at the forty-seventh session of the Commission (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session,

Recalling also its subsequent resolutions on the subject, in particular resolution 2001/44 of 23 April 2001, in which it requested the working group to complete expeditiously a final and substantive text,

Recalling further Economic and Social Council decision 2001/265 of 24 July 2001, in which the Council authorized the working group to meet in order to continue its work, *Recalling* that the World Conference on Human Rights reaffirmed that efforts to eradicate torture should, first and foremost, be concentrated on prevention and therefore called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which is intended to establish a preventive system of regular visits to places of detention,

1. *Welcomes* the report of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2002/78);

2. *Adopts* the text of the optional protocol submitted by the Chairperson of the working group, at its tenth session, as contained in the annex to the present resolution;

3. *Recommends* that the text of the optional protocol, following its adoption by the General Assembly, should be opened as early as possible for signature, ratification and accession;

4. *Recommends* the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution.]

50th meeting
22 April 2002
[Adopted by a recorded vote of 29 votes to 10,
with 14 abstentions. See chap. XI.]

ANNEX

DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PREAMBLE

The States Parties to the present Protocol,

Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, *Recalling* that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

Recognizing that States have the primary responsibility for implementing these articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all, and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial or other measures,

Recalling also that the World Conference on Human Rights, held at Vienna in June 1993, firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention which is intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

PART I

GENERAL PRINCIPLES

Article 1

The objective of this Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the "Subcommittee on Prevention") shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and will be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the "national preventive mechanism").

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as "places of detention"). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

2. For the purposes of the present Protocol deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

THE SUBCOMMITTEE ON PREVENTION

Article 5

1. The Subcommittee on Prevention shall consist of 10 members. After the fiftieth ratification or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to 25.

2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

3. In the composition of the Subcommittee on Prevention due consideration shall be given to the equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.

4. In this composition consideration shall also be given to the balanced gender representation on the basis of the principles of equality and non-discrimination.

5. No two members of the Subcommittee on Prevention may be nationals of the same State.

6. The members of the Subcommittee shall serve in their individual capacity, shall be independent and impartial and shall be available on Prevention to serve the Subcommittee efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (*a*) The nominees shall have the nationality of a State Party to the present Protocol;

(*b*) At least one of the two candidates shall have the nationality of the nominating State Party;

(*c*) No more than two nationals of a State Party shall be nominated;

(*d*) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.

3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties which have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(*a*) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;

(*b*) The initial election shall be held no later than six months after the entry into force of the present Protocol;

(*c*) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

(*d*) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If, during the election process, two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee. Where nationals have received the same number of votes, the following procedure applies:

(*a*) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(*b*) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become member;

(*c*) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party which nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (*d*).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

(*a*) Half plus one members shall constitute a quorum;

(*b*) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(*c*) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee shall meet at such times as shall be provided by its rules of procedure. The Subcommittee and the Committee against Torture shall hold their sessions simultaneously at least once a year.

PART III

MANDATE OF THE SUBCOMMITTEE ON PREVENTION

Article 11

The Subcommittee on Prevention shall:

(*a*) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(*b*) In regard to the national preventive mechanisms:

(i) Advise and assist States Parties, when necessary, in their establishment;

(ii) Maintain direct, if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Cooperate, for the prevention of torture in general, with the relevant United Nations bodies and mechanisms as well as with the international, regional and national institutions or organizations working toward the strengthening of the protection of persons from torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid out in article 11, the States Parties undertake to:

(*a*) Receive the Subcommittee on Prevention in its territory and grant it access to the places of detention as defined in article 4 of the present Protocol;

(*b*) Share all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted in order to strengthen the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment;

(*c*) Encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;

(*d*) Examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify its programme to the States Parties in order that they may, without delay, make the necessary practical arrangements for the visits to take place.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members can be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it can propose a short follow-up visit after regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

(*a*) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(*b*) Unrestricted access to all information referring to the treatment of these persons as well as their conditions of detention;

(*c*) Subject to paragraph 2, unrestricted access to all places of detention and their installations and facilities;

(*d*) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person whom the Subcommittee on Prevention believes may supply relevant information;

(*e*) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention can only be made on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited which temporarily prevent the carrying out of such a visit. The existence of a declaration of a state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its members any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the Subcommittee's recommendations, the Committee against Torture may, at the request of the Subcommittee, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the Subcommittee's report.

PART IV

NATIONAL PREVENTIVE MECHANISMS

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol, if they are in conformity with its provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.

2. The States Parties shall take the necessary measures in order for the experts of the national mechanism to have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.

3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.

4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status and functioning of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at least the powers to:

(*a*) Regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection from torture, cruel, inhuman or degrading treatment or punishment;

(*b*) Make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(*c*) Submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

(*a*) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(*b*) Access to all information referring to the treatment of these persons as well as their conditions of detention;

(*c*) Access to all places of detention and their installations and facilities;

(*d*) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person whom the national preventive mechanism believes may supply relevant information;

(*e*) The liberty to choose the places they want to visit and the persons they want to interview;

(*f*) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V

DECLARATION

Article 24

1. Upon ratification, States Parties can make a declaration postponing the implementation of their obligations either under Part III or under Part IV of the present Protocol.

2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend this period for an additional two-year period.

PART VI

FINANCIAL PROVISIONS

Article 25

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention to a State Party after a visit, as well as education programmes of the national preventive mechanisms.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

PART VII

FINAL PROVISIONS

Article 27

1. The present Protocol is open for signature by any State which has signed the Convention.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, or the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation which occurs prior to the date at which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to adopt with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Subcommittee on Prevention prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference,

the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional process.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee shall be accorded the privileges and immunities specified in section 22 of the Convention on Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

(*a*) Respect the laws and regulations of the visited State; and

(*b*) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 37

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

2002/34. Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy

The Commission on Human Rights,

Recalling its previous resolution 2001/36 of 23 April 2001 on this issue,

Recalling also General Assembly resolution 55/96 of 4 December 2000 and recalling its own resolution 2000/47 of 25 April 2000,

Reaffirming its commitment to the purposes and principles enshrined in the Charter of the United Nations, *Reaffirming also* the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Stressing that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming the commitment made by Member States to strive for the full protection and promotion in all our States of civil, political, economic, social and cultural rights for all,

Considering the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration, to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

Welcoming also the pledge of the international community at the World Conference on Human Rights, held at Vienna in June 1993, to support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms throughout the world,

Recognizing that the equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the importance of the equitable participation of all, without any discrimination, in domestic as well as global decision-making,

Recognizing that development can only be sustainable on a long-term basis if development policies are responsive to people's needs and ensure people's participation both in their design and implementation, while stressing the fact that meeting the basic human needs essential for survival is a sine qua non condition for an effective democracy, *Emphasizing* that the persistence of extreme poverty inhibits the full and effective enjoyment of human rights and the participation of all citizens in the democratic processes in every society, and that the full participation of everyone in democratic societies fosters and enhances the struggle against poverty,

Recalling that accountable and transparent governance at the national and international levels is critical for the creation of an environment that facilitates the development of democratic, prosperous and peaceful societies,

Recognizing and respecting the rich and diverse nature of the community of the world's democracies, which arise out of all of the world's social, cultural and religious beliefs and traditions,

Recognizing also that while all democracies share common features, differences between democratic societies should be neither feared nor repressed, but cherished as a precious asset of humanity,

Aware of the importance of fostering a diversity of social contributions in strengthening people's participation, equity, social justice and non-discrimination, including the enhancement of non-governmental organizations, people's organizations, voluntary social organizations, trade unions, the private sector and other actors of civil society,

Aware also of the importance of ensuring the implementation of the rights to freedom of opinion and expression as well as to freedom of assembly and association, in accordance with articles 19, 20, 21 and 22 of the International Covenant of Civil and Political Rights,

Recalling the commitment undertaken by all States within the framework of the United Nations and other international organizations to work for the promotion of democracy and the rule of law,

1. *Declares* that popular participation, equity, social justice and non-discrimination are essential foundations of democracy;

2. *Reaffirms* that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and that in that context the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached;

3. *Also reaffirms* that while all democracies share common features, there is no one universal model of democracy;

4. *Affirms* that the consolidation of democracy requires the promotion and protection of all human rights for everyone, both civil and political rights and economic, social and cultural rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights, as established in the Declaration on the Right to Development;

5. *Reaffirms* that democracy, development and respect for human rights are interdependent and mutually reinforcing;

6. *Stresses* that the consolidation of democracy requires that sustained economic growth and sustainable development of countries and communities foster the promotion and consolidation of democracies;

7. *Declares* that full popular participation is only feasible if societies have democratic political and electoral systems which guarantee to all their citizens the possibility both to take part in the government of their country, directly or through freely chosen representatives, and to have equal access to public service, without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

8. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

9. *Recognizes* that inequitable political, economic, cultural and social conditions can breed and foster racism, racial discrimination, xenophobia and related intolerance, which in turn exacerbate inequity;

10. *Reaffirms* that genuine equality of opportunity for all, in all spheres, including that of development, is fundamental to the eradication of racism, racial discrimination, xenophobia and related intolerance;

11. *Urges* all States to foster a democracy that, inspired by the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family, promotes people's welfare, rejecting all forms of discrimination and exclusion, facilitates development with equity and justice, and encourages the most comprehensive and full participation of their citizens in the decision-making process and in the debate over diverse issues affecting society;

12. *Requests* all States and the international community further to endeavour to promote effective measures to eradicate poverty and promote just, equitable and inclusive societies;

13. *Invites* all mechanisms of the Commission and the human rights treaty bodies to continue taking into account, in the discharge of their respective mandates, the question of strengthening popular participation, equity, social justice and non-discrimination as the foundations of democracy;

14. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to bring the present resolution to the attention of Member States, the relevant United Nations organs and intergovernmental and non-governmental organizations and to disseminate it on the widest possible basis;

15. *Decides* to continue its consideration of this issue at its fifty-ninth session, under the same agenda item.

50th meeting
22 April 2002
[Adopted by a recorded vote of 29 votes to 7,
with 17 abstentions. See chap. XI.]

2002/35. Human rights and terrorism

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations and the International Covenants on Human Rights,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations, as well as the Declaration on Measures to Eliminate International Terrorism, adopted by the General Assembly at its fiftieth and forty-ninth sessions, respectively,

Recalling also the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000 at its fifty-fifth session,

Recalling further the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Recalling all previous General Assembly resolutions on the issue of terrorism, including resolutions 46/51 of 9 December 1991, 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997 and 56/160 of 19 December 2001, as well as its own resolutions 2000/30 of 20 April 2000 and 2001/37 of 23 April 2001,

Recalling also General Assembly resolutions 54/164 of 17 December 1999 and 54/110 of 9 December 1999, in which it decided that the Ad Hoc Committee established by Assembly resolution 51/210 of 17 December 1996 should continue to elaborate a draft international convention for the suppression of acts of nuclear terrorism with a view to completing the instrument, should address means of further developing a comprehensive legal framework of conventions dealing with international terrorism, including considering the elaboration of a comprehensive convention on international terrorism, and should address the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, *Reaffirming* the need for the implementation of General Assembly resolution 54/109 of 9 December 1999, in which the Assembly adopted the International Convention for the Suppression of the Financing of Terrorism,

Noting the importance of General Assembly resolution 55/158 of 12 December 2000, in which the Assembly stressed the need to strengthen further international cooperation between States and between international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, in accordance with the principles of the Charter of the United Nations, international law and relevant international conventions,

Noting with great concern the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes, such as murder, extortion, kidnapping, assault, the taking of hostages and robbery,

Alarmed in particular at the possibility that the terrorist groups may exploit new technologies to facilitate acts of terrorism which may cause massive damage, including huge loss of human life,

Mindful that the Security Council adopted resolution 1373 (2001) of 28 September 2001, requiring States to adopt counter-terrorism measures, and resolution 1377 (2001) of 12 November 2001, by which it adopted a declaration on the global effort to combat terrorism,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism in all its forms and manifestations creates an environment that destroys the ideal of free human beings enjoying freedom from fear and want, and makes it difficult for States to promote and protect human rights and fundamental freedoms,

Bearing in mind further that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Recalling in this regard the horrific events of 11 September 2001 in the United States of America, which led to the loss of the lives of several thousand civilians,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international humanitarian law, *Profoundly deploring* the large number of civilians killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Emphasizing the need to intensify the fight against terrorism in all its forms and manifestations at the national level and to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Recognizing the need to improve international cooperation on criminal matters and national measures so as to address impunity, which can contribute to the continued occurrence of terrorism,

Emphasizing that States shall deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Stressing the growing consciousness of the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

1. *Reiterates its unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all their forms and manifestations, wherever, whenever and by whomever committed, as acts aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and the rule of law and having adverse consequences for the economic and social development of the State;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Expresses its solidarity* with the victims of terrorism;

4. *Condemns* incitement of ethnic hatred, violence and terrorism;

5. *Urges* States to fulfil their obligations under the Charter of the United Nations in strict conformity with international law, including human rights standards and obligations and international humanitarian law, to prevent, combat and eliminate terrorism in all its forms and

manifestations, wherever, whenever and by whomever committed, and calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

6. *Strongly condemns* all terrorist acts on individual property, national monuments and historical relics;

7. *Urges* States to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international obligations under human rights instruments and international humanitarian law, with the aim of eliminating terrorism in all its forms and manifestations, and to further strengthen cooperation with a view to bringing terrorists to justice;

8. *Calls upon* States to take appropriate measures in conformity with the relevant provisions of national and international law, including international human rights standards, before granting refugee status, with the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

9. *Urges* all relevant human rights mechanisms and procedures, as appropriate, to address the consequences of the acts, methods and practices of terrorist groups in their forthcoming reports to the Commission;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights to respond to requests from interested Governments for assistance and advice on ensuring full compliance with international human rights standards and obligations when undertaking measures to combat terrorism;

11. *Welcomes* the report of the Secretary-General (A/56/190), and invites him to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on how the needs and concerns of victims of terrorism might be addressed, including through the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his reports to the Commission and the General Assembly;

12. *Endorses* the decision of the Sub-Commission on the Promotion and Protection of Human Rights requesting the Secretary-General to give the Special Rapporteur on terrorism and human rights of the Sub-Commission all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her second progress report;

13. *Requests* the Special Rapporteur to give attention in her next report on human rights and terrorism to the questions raised in the present resolution;

14. *Decides* to remain seized of the matter at its fifty-ninth session.

50th meeting
22 April 2002
[Adopted by a recorded vote of 32 votes to none, with 21 abstentions. See chap. XI.]

2002/36. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of 4 December 2000, and all resolutions on the subject by the Commission on Human Rights,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries, *Welcoming* the fact that the sixtieth ratification of the Rome Statute of the International Criminal Court (A/CONF.183/9) has been deposited, enabling the entry into force of the Rome Statute on 1 July 2002,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

3. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Acknowledges* the historic significance of the entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 and calls upon States to consider ratifying or acceding to the Rome Statute;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions;

6. *Reaffirms* the obligation of Governments to ensure the protection of the inherent right to life of all persons under their jurisdiction and calls upon Governments concerned to investigate promptly and thoroughly cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation or racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, as well as other cases where a person's right to life has been violated, all of which are being committed in various parts of the world, and to bring those responsible to justice before a competent, independent and impartial judiciary, and to ensure that such killings are neither condoned nor sanctioned by government officials or personnel;

7. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child, which

prohibits the imposition of capital punishment for offences committed by persons below 18 years of age, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during situations of public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

9. *Stresses* the importance of States taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, inter alia through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building efforts;

10. *Encourages* Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of United Nations peacekeeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

11. *Appeals* to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

12. *Takes note* of the report of the Special Rapporteur (E/CN.4/2002/74 and Corr.1, Add.1 and Add.1/Corr.1 and Add.2), in particular the attention given therein to violations of the right to life of women, refugees and internally displaced persons, persons belonging to national or ethnic, religious and linguistic minorities, persons exercising their right to freedom of opinion and expression and persons killed because of their sexual orientation;

13. *Expresses grave concern* over the continued occurrence of violations relating to the right to life highlighted in the report of the Special Rapporteur as deserving special attention:

(*a*) Violations of the right to life during armed conflict;

(*b*) Violations of the right to life of children;

(*c*) Violations of the right to life of persons carrying out peaceful activities in defence of human rights and freedoms such as human rights defenders and persons who have cooperated with representatives of United Nations human rights bodies;

(*d*) Death due to attacks, or killings by security forces, paramilitary groups or private forces cooperating with or tolerated by the State;

(*e*) Impunity;

(*f*) Violations of the right to fair and adequate compensation within a reasonable time and other rights of victims of such acts;

(*g*) Failure to comply with international safeguards and guarantees for the protection of persons facing capital punishment;

14. *Takes note* of the recommendations contained in the report of the Special Rapporteur concerning various aspects of violation of the right to life by extrajudicial, summary or arbitrary executions;

15. *Commends* the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages the Special Rapporteur to continue, within the framework of her mandate, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports;

16. *Requests* the Special Rapporteur, in carrying out her mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(*b*) To respond effectively to information which comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(*c*) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(*d*) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(*e*) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(*f*) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(*g*) To apply a gender perspective in her work;

17. *Strongly urges* all Governments:

(*a*) To cooperate with and assist the Special Rapporteur so that her mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests, in keeping with the usual terms of reference for missions by special rapporteurs of the Commission on Human Rights;

(*b*) To respond to the communications transmitted to them by the Special Rapporteur;

18. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to the Special Rapporteur on the actions taken on those recommendations and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

19. *Expresses its concern* that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

20. *Urges* the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary execution as are of particularly serious concern to her or where early action might prevent further deterioration;

21. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights and encourages the Special Rapporteur to continue efforts in this regard;

22. *Requests again* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her to carry out her mandate effectively, including through country visits;

23. *Also requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

24. *Further requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

25. *Decides* to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-ninth session under the same agenda item.

50th meeting
22 April 2002
[Adopted by a recorded vote of 36 votes to 2,
with 14 abstentions. See chap. XI.]

2002/37. Integrity of the judicial system

The Commission on Human Rights,

Guided by articles 5, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling other important documents on the issue of the integrity of the judicial system endorsed by various forums of the United Nations, and in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the safeguards guaranteeing protection of the rights of those facing the death penalty,

Convinced that the integrity of the judicial system is an indispensable prerequisite for the protection of human rights and for ensuring independence, impartiality and non-discrimination in the administration of justice,

Stressing that the integrity of the judicial system should be observed at all times,

1. *Reiterates* that every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her;

2. *Also reiterates* that everyone has the right to be tried by ordinary courts or tribunals using duly established legal procedures and that tribunals that do not use such procedures should not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

3. *Stresses* the importance that everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he/she has had all the guarantees necessary for the defence;

4. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence and to defend themselves in person or through legal assistance of their own choosing;

5. *Underlines* that any court trying a person charged with a criminal offence must be based on the principles of independence and impartiality;

6. *Calls upon* States to ensure the principle of equality of arms within their judicial systems, inter alia, by providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

7. *Reaffirms* that every convicted person should have the right to have his/her conviction and sentence reviewed by a higher tribunal according to law;

8. *Calls upon* States that have military courts for trying criminal offenders to ensure that such courts are an integral part of the general judicial system and use the duly established legal proceedings;

9. *Requests* the Special Rapporteur on the independence of judges and lawyers to take full account of the present resolution in the discharge of his mandate and in his report to the fifty-ninth session of the Commission.

50th meeting
22 April 2002
[Adopted by a recorded vote of 34 votes to none,
with 19 abstentions. See chap. XI.]

2002/38. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Reaffirming that no one should be subjected to torture or other cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights, *Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right and that the prohibition of torture is explicitly affirmed in all relevant international instruments, as set out in the second preambular paragraph of Commission resolution 2001/62 of 25 April 2001,

Recalling also the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Commission resolution 2001/62 and Assembly resolution 56/143 of 19 December 2001,

Mindful of the proclamation by the General Assembly, in its resolution 52/149 of 12 December 1997, of 26 June as United Nations International Day in Support of Victims of Torture,

Commending the persistent efforts by non-governmental organizations to combat torture and to alleviate the suffering of victims of torture,

Emphasizing the importance of Governments taking persistent action to prevent and combat torture and commending those Governments which cooperate with non-governmental organizations in this respect,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Condemns in particular* any action or attempt by States or public officials to legalize or authorize torture under any circumstances, including through judicial decisions, and calls upon Governments to eliminate practices of torture;

3. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate legislation leading to impunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

4. *Also urges* Governments to take effective measures to provide redress and to prevent torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations;

5. *Reminds* Governments that corporal punishment, including of children, can amount to cruel, inhuman or degrading punishment or even to torture;

6. *Also reminds* Governments that intimidation and coercion, as described in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including serious and credible threats, as well as death threats, to the physical integrity of the victim or of a third person, can amount to cruel, inhuman or degrading treatment or to torture;

7. *Stresses* that, under article 4 of the Convention, torture must be made an offence under domestic criminal law and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators are liable to prosecution and punishment;

8. *Stresses in particular* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, notes in this respect the Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (the Istanbul Principles) annexed to Commission resolution 2000/43 and General Assembly resolution 55/89 as a useful tool in efforts to combat torture, and reiterates its request to the Special Rapporteur, in the normal course of his work, to solicit views from Governments and non-governmental organizations;

9. *Stresses* that States must not punish personnel for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

10. *Also stresses* that national legal systems should ensure that the victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress and are awarded fair and adequate compensation and receive appropriate socio-medical rehabilitation, and encourages the development of rehabilitation centres for victims of torture;

11. *Urges* Governments to protect medical and other personnel for their role in documenting torture or any other form of cruel, inhuman or degrading treatment or punishment and in treating victims of such acts;

12. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial or other measures to prevent and prohibit the production, trade, export and use of equipment which is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

13. *Requests* the Special Rapporteur to continue the study, with a view to its prompt completion, of the situation of trade and production in such equipment, its origin, destination and forms, with a view to finding the best ways to prohibit such trade and production and to combat its proliferation and to report thereon to the Commission at its fifty-ninth session, and calls upon States and non-governmental organizations to provide the information requested by the Special Rapporteur;

14. *Reminds* all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment or even torture, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

15. *Urges* all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority and welcomes the ratifications and accessions since the fifty-seventh session of the Commission;

16. *Encourages* States parties to consider limiting the extent of any reservations they lodge to the Convention, to formulate any reservations as precisely and narrowly as possible, to ensure that no reservation is incompatible with the object and purpose of the Convention and to review regularly any reservations made in respect of the provisions of the Convention, with a view to withdrawing them;

17. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention and to avoid making, or consider the possibility of withdrawing, reservations to article 20;

18. *Urges* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

19. *Also urges* all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

20. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with her mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

21. *Welcomes* the report of the Committee against Torture on its twenty-fifth and twenty-sixth sessions (A/56/44);

22. *Also welcomes* the work of the Committee and its practice of formulating concluding observations after the consideration of reports and recognizes the importance of the process of individual communications relating to States which have made a declaration under article 22 of the Convention, as well as its practice of carrying out inquiries into cases where

there are indications of the systematic practice of torture within the jurisdiction of States parties, and urges States parties to take into account such conclusions and recommendations, as well as views on individual communications;

23. *Takes note with appreciation* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2002/65) and requests the Secretary-General to continue to submit an annual report to the Commission;

24. *Also takes note with appreciation* of the work of the former and current Special Rapporteurs and notes the recommendations contained in the report of the former Special Rapporteur (E/CN.4/2002/76 and Add.1), as well as the recommendations made in previous years, and encourages the current Special Rapporteur to include among his recommendations proposals for the prevention and investigation of torture, taking into account information received concerning training manuals and activities aimed at facilitating the practice of torture;

25. *Draws the attention* of the Special Rapporteur to those aspects related to his activities set out in paragraphs 3, 7, 9, 27, 28, 31, 32, 36 and 37 of Commission resolution 2001/62, with a view to his reporting to the Commission as appropriate;

26. *Considers it desirable* that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the Office of the High Commissioner for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication with other special procedures, and that he pursue cooperation with other relevant United Nations programmes, notably that on crime prevention and criminal justice;

27. *Reiterates* the need for the Special Rapporteur to be able to respond effectively, in particular through urgent appeals, to credible and reliable information that comes before him, invites the Special Rapporteur to continue to seek the views and comments of all concerned, in particular Governments, and underlines that the facts forming the basis for the urgent appeals should be clearly set out;

28. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by him and to react appropriately and expeditiously to his urgent appeals;

29. *Urges* those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer without further delay;

30. *Calls upon* all Governments to give serious consideration to the Special Rapporteur's requests to visit their countries and urges them to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations, so as to enable him to fulfil his mandate even more effectively;

31. *Invites* the Special Rapporteur to present an interim report to the General Assembly at its fifty-seventh session on the overall trends and developments with regard to his mandate and a full report to the Commission at its fifty-ninth session, including as addenda all replies sent by Governments that are received in any of the official languages of the United Nations;

32. *Takes note* of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/56/181 and E.CN.4/2002/66);

33. *Expresses its gratitude and appreciation* to those Governments, organizations and individuals that have contributed to the Fund and encourages them to continue to do so;

34. *Stresses* the importance of the work of the Board of Trustees of the Fund and appeals to all Governments, organizations and individuals to contribute annually to the Fund and preferably by 1 March before the annual meeting of the Board, if possible with a substantial increase in the contributions in order to take into consideration the ever-increasing requests for assistance, in particular the increasing need for assistance to rehabilitation services for victims of torture and to small projects of humanitarian assistance to victims of torture;

35. *Requests* the Secretary-General to continue to include the Fund, on an annual basis, among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities and to transmit to all Governments the appeals of the Commission for contributions for the Fund;

36. *Calls upon* the Board of Trustees of the Fund to report to the Commission at its fifty-ninth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture and in particular of lessons and best practices learned from the Fund's activities, and requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

37. *Requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing, as well as the necessary technical facilities, for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

38. *Calls upon* all Governments, the United Nations High Commissioner for Human Rights and United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate on 26 June the United Nations International Day in Support of Victims of Torture;

39. *Decides* to continue to consider these questions at its fifty-ninth session, as a matter of priority.

50th Meeting
22 April 2002
[Adopted without a vote. See chap. XI.]

2002/39. The incompatibility between democracy and racism

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the commitment reached in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) concerning the elimination of racism, racial discrimination, xenophobia and related intolerance,

Recalling also its resolutions 2000/40 of 20 April 2000 and 2001/43 of 23 April 2001,

Taking note of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Mindful of the responsibility of Governments to ensure such equality as is established in the relevant international and regional human rights instruments, inter alia the Universal Declaration of Human Rights, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming that acts of racial violence and discrimination do not constitute legitimate expressions of opinion, but rather are offences,

Remaining alarmed by the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large,

Recognizing the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies,

1. *Remains convinced* that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination must be condemned as incompatible with democracy and transparent and accountable governance;

2. *Condemns* legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

3. *Reaffirms* that racism, racial discrimination, xenophobia and related intolerance condoned by governmental policies violate human rights and may endanger friendly relations among peoples, cooperation among nations, international peace and security and the harmony of persons living side by side within one and the same State;

4. *Also reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

5. *Condemns* the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and states that these phenomena can never be justified in any instance or in any circumstances;

6. *Urges* States to reinforce their commitment to promote tolerance and human rights and to fight against racism, racial discrimination, xenophobia and related intolerance as a way to strengthen democracy, the rule of law and transparent and accountable governance, and in that regard recommends measures such as introducing or reinforcing human rights education in schools and in institutions of higher education;

7. *Underlines* the key role that political leaders and political parties can and ought to play in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote solidarity, tolerance and respect;

8. *Invites* the mechanisms of the Commission and the treaty bodies, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, to continue to pay particular attention to violations of human rights stemming from the rise of racism and xenophobia in political circles and society at large, especially as regards their incompatibility with democracy;

9. *Takes note with interest* of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/69 and Add.1);

10. *Invites* the High Commissioner to solicit comments from Governments, non-governmental organizations and other relevant bodies on the main trends and governmental policies regarding this subject, especially on the development of political parties with racist platforms, as well as actions to counter such trends, and to submit a report thereon to the Commission at its fifty-ninth session;

11. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/40. Elimination of all forms of religious intolerance

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, paragraph 4 of the United Nations Millennium Declaration and other relevant human rights provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Noting provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference on Racism Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I) aimed at combating religious intolerance,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the increase in violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislation and other measures,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, in public or in private, *Taking note* of General Assembly resolution 56/6 of 9 November 2001 on a Global Agenda for Dialogue among Civilizations in which the Assembly recognized the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Noting with appreciation the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination held in Madrid from 23 to 25 November 2001 and underlining the importance of education in the promotion of tolerance and the elimination of discrimination based on religion or belief,

Noting that tolerance involves the acceptance of, and respect for, diversity and that education, in particular at school, should contribute in a meaningful way to promoting tolerance and respect for freedom of religion and belief,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Takes note with appreciation* of the report of the Special Rapporteur on freedom of religion or belief (E/CN.4/2002/73 and Add.1 and 2);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(*c*) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(*d*) To recognize the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(*e*) To exert utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(*f*) To ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect different religions and beliefs, and do not discriminate on the grounds of religion or belief, and that any necessary and appropriate education or training is provided;

(*g*) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

5. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures as appropriate;

7. *Stresses* the need for the Special Rapporteur to continue to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. *Calls upon* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively;

9. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

10. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance or of Discrimination based on Religion or Belief, and invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion and belief;

11. *Welcomes* the initiatives of Governments to collaborate with the Special Rapporteur and, in this regard, invites Governments to give consideration to the Final Document adopted at the International Consultative Conference on School Education in Relation to Freedom of Religion and Belief, Tolerance and Non-Discrimination (E/CN.4/2002/73, appendix);

12. *Urges* States to make all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

13. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

14. *Recommends* that the United Nations and other actors, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, by United Nations information centres, as well as by other interested bodies;

15. *Decides* to continue its consideration of measures to implement the Declaration;

16. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to discharge his mandate fully;

17. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission on Human Rights at its fifty-ninth session;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its fifty-ninth session under the same agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/41. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs, and its resolution 2001/46 of 23 April 2001,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolution 55/103 of 4 December 2000,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Emphasizing that impunity is simultaneously one of the underlying causes of enforced disappearances and one of the major obstacles to the elucidation of cases thereof and that there is a need for effective measures to combat the problem of impunity,

Welcoming the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court (A/CONF.183/9), come within the jurisdiction of the Court as crimes against humanity,

1. *Takes note* of the report submitted by the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2002/79) pursuant to Commission resolution 2001/46;

2. *Stresses* the importance of the work of the Working Group and encourages it in the execution of its mandate:

(*a*) To continue to promote communication between families of disappeared persons and the Governments concerned with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(*b*) To continue to observe, in its humanitarian task, United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(*c*) To continue to consider the question of impunity in the light of the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance and of the final reports submitted by the Special Rapporteur appointed by the Sub-Commission on the Promotion and Protection of Human Rights;

(*d*) To continue to pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned in searching for and identifying these children;

(*e*) To pay particular attention to cases transmitted to it that refer to ill-treatment, serious threatening or intimidation of witnesses of enforced or involuntary disappearances or relatives of disappeared persons;

(*f*) To pay particular attention to cases of disappearance of persons working for the promotion and protection of human rights and fundamental freedoms, wherever they occur, and to make appropriate recommendations for preventing such disappearances and improving the protection of such persons;

(*g*) To continue to apply a gender perspective in its reporting process, including in information collection and the formulation of recommendations;

(*h*) To provide appropriate assistance in the implementation by States of the Declaration and of the existing international rules;

(*i*) To continue its deliberations on its working methods and to include these aspects in its report to the Commission at its fifty-ninth session;

3. *Deplores* the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearance in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. *Urges* the Governments concerned:

(*a*) To cooperate with the Working Group and help it to carry out its mandate effectively, in particular by inviting it freely to visit their countries;

(*b*) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(*c*) To take steps to protect witnesses of enforced or involuntary disappearances and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(*d*) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set appropriate settlement machinery in train with the families of those individuals;

(*e*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

5. *Reminds* Governments:

(*a*) That all acts of enforced or involuntary disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

(*b*) That they should ensure that their competent authorities proceed immediately to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(*c*) That, if such belief is borne out, all the perpetrators of enforced or involuntary disappearances must be prosecuted;

(*d*) That impunity is simultaneously one of the underlying causes of enforced disappearance and one of the major obstacles to the elucidation of cases thereof;

6. *Expresses*:

(*a*) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

(*b*) Its satisfaction to the Governments that are investigating, or developing appropriate mechanisms to investigate, any cases of enforced disappearance which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. *Invites* States to take legislative, administrative, legal and other steps, including when a state of emergency has been declared, to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance, and to provide the Working Group with concrete information on the measures taken and the obstacles encountered in preventing enforced, involuntary or arbitrary disappearances and in giving effect to the principles set forth in the Declaration;

8. *Takes note* of the assistance provided to the Working Group by non-governmental organizations and their activities in support of the implementation of the Declaration and invites those organizations to continue their cooperation;

9. *Acknowledges with great concern* the difficulties encountered by the Working Group in the accomplishment of its mandate and requests the Secretary-General:

(*a*) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, including supporting the principles of the Declaration, carrying out and following up on missions and holding sessions in countries that are prepared to receive it;

(*b*) To provide the resources needed to update the database on cases of enforced disappearance;

(*c*) To keep the Working Group and the Commission regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration;

10. *Requests* the Working Group to report on its activities to the Commission at its fifty-ninth session;

11. *Takes note* of Economic and Social Council decision 2001/221 of 4 June 2001 in which the Council endorsed the decision of the Commission to create an intersessional open-ended working group, with the mandate to elaborate a draft legally binding normative instrument for the protection of all persons from enforced disappearance;

12. *Welcomes*, in this regard, the report of the independent expert (E/CN.4/2002/71), which, in accordance with Commission on Human Rights resolution 2001/46, will be presented to the Intersessional working group established pursuant to that resolution, at its first session;

13. *Requests* the Intersessional working group, which will meet before the fifty-ninth session of the Commission for a period of 10 working days, to prepare, for consideration and adoption by the General Assembly, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, on the basis of the Declaration on the Protection of All Persons from Enforced Disappearance, in the light of the work of the independent expert and taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25 of 26 August 1998;

14. *Decides* to consider this matter at its fifty-ninth session under the same agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/42. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29, as well as other relevant provisions, of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights, *Bearing in mind* that, in accordance with its resolution 1991/42 of 5 March 1991, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned,

Recalling the adoption by the Working Group of its Deliberation No. 5 (E/CN.4/2000/4, annex II), which relates to the situation of immigrants and asylum-seekers and guarantees concerning persons held in custody, with a view to ensuring better prevention of arbitrary detention,

Reaffirming its resolution 2001/40 of 23 April 2001,

1. *Takes note* of:

(*a*) The report of the Working Group on Arbitrary Detention (E/CN.4/2002/77 and Add.1 and 2);

(*b*) The work of the Working Group and underlines the positive initiatives it has taken to strengthen cooperation and dialogue with States and the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(*c*) The importance that the Working Group attaches to coordination with other mechanisms of the Commission, with other competent United Nations bodies and with treaty bodies, as well as to the strengthening of the role of the Office of the United Nations High Commissioner for Human Rights in such coordination and encourages the Working Group to take all necessary measures to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

2. *Requests* the Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

3. *Encourages* the Governments concerned:

(*a*) To implement the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(*b*) To take appropriate measures in order to ensure that their legislation, regulations and practices in these fields are in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned;

(*c*) Not to extend states of emergency beyond what is strictly required by the situation, in accordance with the provisions of article 4 of the International Covenant on Civil and Political Rights, or to limit their effects;

4. *Encourages* all Governments to invite the Working Group to visit their countries so that it may carry out its mandate even more effectively;

5. *Requests* the Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its possible final conclusions;

6. *Expresses its profound thanks* to the Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

7. *Takes note with satisfaction* of the fact that the Working Group has been informed of the release of some of the individuals whose situation has been brought to its attention, while deploring the many cases which have not yet been resolved;

8. *Takes note* of the recommendations made by the Working Group in its report concerning imprisonment related to insolvency and detention used as a means of protection of victims;

9. *Requests* the Secretary-General:

(*a*) To extend his assistance to Governments expressing the wish to receive it, and to the special rapporteurs and working groups, with a view to ensuring the promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(*b*) To ensure that the Working Group receives all necessary assistance, particularly with regard to the staffing and resources needed to continue to discharge its mandate, especially in respect of field missions;

10. *Requests* the Working Group to submit to the Commission, at its fifty-ninth session, a report on its activities and on the implementation of the present resolution and to include any suggestions and recommendations which would enable it to carry out its task in the best possible way and to continue its consultations to that end in the framework of its terms of reference;

11. *Decides* to continue its consideration of this question at its fifty-ninth session under the relevant agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/43. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, and its resolution 2000/42 of 20 April 2000, in which it decided to extend the mandate of the Special Rapporteur for a further period of three years,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, as well as Assembly resolution 40/146 of 13 December 1985, in which the Assembly endorsed the Basic Principles on the Independence of the Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice, *Acknowledging* the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Office of the United Nations High Commissioner for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

1. *Takes note* of the report of the Special Rapporteur on the independence of judges and lawyers on the activities relating to his mandate (E/CN.4/2002/72 and Add.1-3);

2. *Notes* the Special Rapporteur's concern that the situation of the independence of the judiciary, which is the bedrock of the rule of law, remains delicate in many parts of the world;

3. *Also notes* the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

4. *Welcomes* the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

5. *Notes with appreciation* the determination of the Special Rapporteur to achieve as wide dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Office of the High Commissioner;

6. *Invites* the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

7. *Urges all Governments to assist the Special Rapporteur in the discharge of his* mandate and to transmit to him all the information requested;

8. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

9. *Requests* the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-ninth session and decides to consider this question at that session;

10. *Requests* the Secretary-General, within the limits of the United Nations regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/44. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at the national and international levels,

Recalling its resolutions 1996/35 of 19 April 1996, 1999/33 of 26 April 1999 and 2000/41 of 20 April 2000 and its decision 2001/105 of 23 April 2001,

Recalling the report of the independent expert, Mr. Cherif Bassiouni, appointed by the Commission (E/CN.4/2000/62), and, in particular, the text of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", annexed to his report, and the note by the Secretariat (E/CN.4/2002/70),

Welcoming with satisfaction the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. *Calls upon* the international community to give due attention to the right to a remedy and, in particular, in appropriate cases, to receive restitution, compensation and rehabilitation, for victims of violations of international human rights law;

2. *Requests* the Secretary-General to circulate to all Member States and intergovernmental and non-governmental organizations in consultative status with the Economic and Social Council the text of the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law", annexed to the report of the independent expert, and to request that they send their comments thereon to the Office of the United Nations High Commissioner for Human Rights;

3. *Requests* the United Nations High Commissioner for Human Rights to hold, with the cooperation of interested Governments, a consultative meeting for all interested Member States, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, using available resources, with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" on the basis of the comments submitted;

4. *Also requests* the High Commissioner for Human Rights to transmit to the Commission at its fifty-ninth session the final outcome of the consultative meeting for its consideration;

5. *Decides* to continue its consideration of this matter at its fifty-ninth session under the sub-item entitled "Independence of the judiciary, administration of justice, impunity" of the relevant agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/45. Conscientious objection to military service

The Commission on Human Rights,

Bearing in mind that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling its previous resolutions on the subject, in particular resolution 1998/77 of 22 April 1998, in which the Commission recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights and article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22 of the Human Rights Committee, adopted at its forty-eighth session in 1993, *Recalling also* its resolution 2000/34 of 20 April 2000 in which it requested the Office of the United Nations High Commissioner for Human Rights to prepare a compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service and the provision of alternative forms of service,

Taking note of recommendation 2 made by the Working Group on Arbitrary Detention in its report (see E/CN.4/2001/14, chap. IV, sect. B), aimed at preventing the judicial system of States from being used to force conscientious objectors to change their convictions,

Recalling resolution 1999/4 of 24 August 1999 of the Sub-Commission on the Promotion and Protection of Human Rights,

Having considered the preliminary report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/WP.2),

1. *Calls upon* States to review their current laws and practices in relation to conscientious objection to military service in the light of its resolution 1998/77 and to consider the information contained in the report of the High Commissioner;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue the preparation of its compilation and analysis of best practices in relation to the recognition of the right of everyone to have conscientious objections to military service, as a legitimate exercise of the right to freedom of thought, conscience and religion, and the provision of alternative forms of service, and to seek such information from Governments, national human rights institutions, the specialized agencies and relevant intergovernmental and non-governmental organizations, and to submit a report containing this compilation and analysis to the Commission at its sixtieth session under the agenda sub-item entitled "Conscientious objection to military service".

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/46. Further measures to promote and consolidate democracy

The Commission on Human Rights,

Recalling the universal validity of the values of freedom, respect for human rights and the principle of the holding of periodic and genuine elections by universal suffrage and by secret ballot which are embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and various regional instruments for the promotion and protection of human rights, *Reaffirming* that the promotion and protection of human rights contribute to the existence of a democratic society and recognizing the importance of the continuing development and strengthening of the international human rights system for the consolidation of democracy,

Considering that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Also considering that all peoples have the right of self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing the need continuously to promote respect for democratic values and principles and to improve the functioning of democratic institutions and mechanisms of democratic governance,

Recognizing also the compatibility of the rule of law and democratic institutions with the wide variety of philosophical ideas, beliefs and social, cultural and religious traditions that exist in the world,

Reaffirming that the promotion of all human rights including the right to development and the elimination of extreme poverty can contribute substantially to the promotion and consolidation of democracy and constitutes a common and shared responsibility of States, and that good governance, including through transparency and accountability, is indispensable for building peaceful, prosperous and democratic societies,

Considering that education is an effective means of promoting a link between elected political bodies and civil society and hence ensuring meaningful participation by citizens in the decision-making process, and reaffirming the importance of human development for the establishment of a sound democratic system,

Recalling all relevant resolutions of the General Assembly and the Commission of Human Rights, in particular, Assembly resolutions 55/96 of 4 December 2000 and 55/43 of 27 November 2000 and Commission resolutions 2000/47 of 25 April 2000 and 2001/41 of 23 April 2001,

Welcoming with satisfaction the measures for the promotion, consolidation and protection of democracy adopted by various regional, subregional and other organizations and initiatives, including the Charter of the Organization of American States of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (European Convention on Human Rights), the Commonwealth Declaration adopted by the Commonwealth Heads of Government Meeting held at Harare in 1991 and the Millbrook Commonwealth Action Plan adopted at Millbrook, New Zealand, in 1995, the Treaty on European Union of 1992 as amended by the Treaty of Amsterdam of 1997, the document of the Copenhagen meeting adopted by the Organization for Security and Co-operation in Europe of 1990, the Constitutive Act of the African Union adopted in 2000, the Warsaw Declaration adopted by the ministerial conference, entitled "Towards a Community of Democracies" of 2000 and the Inter-American Democratic Charter adopted in 2001,

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, freedom of association, freedom of expression and opinion, access to power and its exercise in accordance with the rule of law, the holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people, a pluralistic system of political parties and organizations, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media;

2. *Reaffirms* that the full exercise of fundamental freedoms and human rights - which are universal, indivisible and interdependent - can only take place within democratic systems;

3. *Also reaffirms* that free and fair elections are an essential feature of democracy and must be part of a broader process that strengthens democratic principles, values, institutions, mechanisms and practices, which underpin the rule of law;

4. *Invites* Member States, relevant intergovernmental organizations and interested non-governmental organizations to continue to foster and participate in a systematic dialogue on the building of democratic societies and on factors in the success and failure of processes of democratization, and takes note of the recent conferences on the topic of democratization held since the fifty-seventh session of the Commission, including the Conference on Democratic Transition and Consolidation, held in Madrid in October 2001;

5. *Welcomes* the adoption by various regional, subregional and other organizations and initiatives of institutional rules and structures which recognize the interdependent relationship between democracy and the protection of human rights, as well as the adoption of mechanisms designed to promote it, to prevent situations which affect or threaten democratic institutions, or to implement measures for the collective defence of democracy in the event of a serious disturbance or disruption of the democratic system;

6. *Encourages* States to promote the contribution of organizations of civil society to the promotion of good governance, sound administration, democratic values and the enhancement of the quality of democracy;

7. *Also encourages* the paying of particular attention to the recommendation by the Secretary-General that the United Nations should work to develop integrated democracy assistance programmes and common country strategies that are locally owned and which involve a wide array of local actors;

8. *Calls for* information sharing and improved coordination within the United Nations system so as to facilitate the exchange of lessons learned and best practices for promoting and consolidating democracy;

9. *Encourages* the development of broad-based democracy expertise drawn from all regions of the world;

10. *Takes note with interest* of the working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2001/32), submitted in accordance with the mandate contained in decision 2000/116 of the Sub-Commission on the Promotion and Protection of Human Rights of 18 August 2000 and requests the Sub-Commission to continue with that mandate;

11. *Urges* the Office of the United Nations High Commissioner for Human Rights to invite the views of various regional, subregional and other organizations and arrangements on the role they play in promoting and consolidating democracy, and to report to the Commission on the conclusions resulting therefrom at its fifty-ninth session;

12. *Requests* the Secretary-General and the Office of the High Commissioner to bring the present resolution to the attention of Member States, the competent United Nations organs and relevant intergovernmental and interested non-governmental organizations, and to disseminate it on the widest possible basis;

13. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item.

51st meeting
23 April 2002
[Adopted by a recorded vote of 43 to none,
with 9 abstentions. See chap. XI.]

2002/47. Human rights in the administration of justice, in particular juvenile justice

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, and in particular article 6 of the latter Covenant,

Bearing in mind the relevant principles embodied in the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Calling attention to the numerous international standards in the field of the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice, *Aware* of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children shall be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice and underlining the need to increase further the cooperation in the field of the administration of justice between these and other relevant bodies,

Commending the Office of the High Commissioner for its work on the development of a human rights manual for judges, prosecutors and lawyers in the framework of the United Nations Decade for Human Rights Education (1995-2004) and inviting the Office to publish the manual as soon as possible,

Recalling the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997, on administration of juvenile justice, and the establishment of a coordination panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance,

Welcoming the convening of a follow-up meeting of the coordination panel later in 2002,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, and of the plans of action for its implementation and follow-up,

Welcoming the decision of the Commission on Crime Prevention and Criminal Justice to select as the theme for its forthcoming eleventh session "Reform of the criminal justice system: achieving effectiveness and equity", *Calling attention* to the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), in particular the relevant provisions on the administration of justice,

Bearing in mind its resolutions 1998/39 of 17 April 1998, 1999/80 of 28 April 1999 and 2000/39 of 20 April 2000, Economic and Social Council resolution 1999/28 of 28 July 1999 on administration of juvenile justice and General Assembly resolution 56/161 of 19 December 2001 on human rights in the administration of justice, as well as the recommendation of the Committee on the Rights of the Child on administration of juvenile justice adopted at its twenty-first session,

1. *Takes note* of the report of the Secretary-General (E/CN.4/2002/63);

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

4. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations agencies and programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Invites* the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Calls upon* States to implement section XII on action on juvenile justice of the Plans of Action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the General Assembly in its resolution 56/261 of 31 January 2002;

8. *Invites* Governments to provide training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, in particular juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel deployed in international field presences;

9. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the administration of justice and fair trial and to conduct nationwide campaigns, amongst other measures, to raise awareness among State organs and public officials concerning their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments;

10. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;

11. *Calls upon* the Secretary-General and the United Nations High Commissioner for Human Rights to strengthen system wide coordination with regard to the administration of justice, in particular between the United Nations agencies and programmes in the fields of human rights, crime prevention and criminal justice, and development;

12. *Welcomes* the continued attention paid to the issue of juvenile justice by the High Commissioner and the United Nations Children's Fund, in particular through technical assistance activities, and, taking into account that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages further activities, within their mandates, in this regard;

13. *Calls upon* the High Commissioner to reinforce, within her mandate, her activities relating to national capacity-building in the field of the administration of justice, in particular juvenile justice, and to continue organizing training courses and other relevant activities aimed at strengthening the protection of human rights in the administration of justice, as well as to initiate and support the exchange of experience among judges as regards their role in the protection of human rights;

14. *Takes note* of the concern of the Committee on the Rights of the Child that in all regions of the world and in relation to all legal systems the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice;

15. *Recognizes* that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs, in accordance with the relevant principles and provisions embodied in the Convention on the Rights of the Child and other relevant international standards on human rights in the administration of justice;

16. *Welcomes* the General Assembly's endorsement of the request of the Committee on the Rights of the Child that the Secretary-General conduct an in-depth study on the issue of violence against children and invites the Secretary-General to consider the inclusion of children who are affected by national security, State security, counter-terrorism and similar laws in that study;

17. *Encourages* States to review their national legislation to ensure that any national security, State security, counter-terrorism or similar laws under which children or juveniles could be tried are compatible with the provisions of international humanitarian law and applicable international human rights instruments including the Convention on the Rights of the Child;

18. *Recognizes* the necessity of ensuring the effective implementation of relevant international standards relating to juvenile justice, in particular the Convention on the Rights of the Child, and invites States to improve the status of information on the situation of juvenile justice to this end;

19. *Urges* States to ensure that under their legislation and practice neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below 18 years of age;

20. *Underlines* that raising awareness of the specific situation of children and juveniles in the administration of justice and providing training thereon are crucial in strengthening the implementation of international standards in this field, and encourages the broad dissemination of the training manual on juvenile justice, *The United Nations and Juvenile Justice: A Guide to International Standards and Best Practice*;

21. *Welcomes* the fact that the administration of juvenile justice is receiving consistent and systematic attention from the Committee on the Rights of the Child and that the Committee provides concrete recommendations concerning the improvement of national juvenile justice systems, in particular through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical assistance;

22. *Calls upon* the coordination panel on technical advice and assistance in juvenile justice further to increase cooperation among the partners involved, by sharing information and pooling their capacities and interests in order to increase the effectiveness of programme implementation;

23. *Encourages* the coordination panel to increase its efforts with respect to the elaboration of an information kit on technical cooperation in the area of juvenile justice to assist in the identification and coordination of assistance programmes in this field;

24. *Calls upon* special rapporteurs, special representatives and working groups and other mechanisms of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

25. *Encourages* the regional commissions, the specialized agencies and United Nations institutes in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with

promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice, in particular juvenile justice;

26. *Requests* the Secretary-General to submit a report to the Commission at its sixtieth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard;

27. *Also requests* the Secretary-General to make available to the Commission at its sixtieth session his reports on the administration of juvenile justice as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice submitted to the Commission on Crime Prevention and Criminal Justice;

28. *Decides* to consider this question at its sixtieth session under the agenda sub-item entitled "Independence of the judiciary, administration of justice, impunity".

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/48. The right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice and noting that these rights and freedoms are among those which give meaning to the right to participate effectively in a free society,

Mindful also of the need to ensure that unjustified invocation of national security, including counter-terrorism, to restrict the right to freedom of expression and information does not take place,

Noting that restrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible and interdependent and interrelated, *Considering* that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Deeply concerned at numerous reports of extrajudicial killings, detention, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, often undertaken with impunity, against professionals in the field of information as well as other persons exercising their right to freedom of opinion and expression, including human rights defenders,

Deeply concerned also at killings of and attacks on journalists in areas of armed conflict, and stressing the need to ensure respect for all human rights and fundamental freedoms as well as international humanitarian law, and to bring to justice those responsible for such attacks,

Reaffirming the need to raise awareness about all aspects of the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and noting the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Recalling the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995 (E/CN.4/1996/39, annex), as well as the Principles on Freedom of Information Legislation (The Public's Right to Know) (E/CN.4/2000/63, annex II),

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression, the right to information and the effective enjoyment of those rights, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and recognizing that their contributions to these efforts are often constrained by the lack of full and effective enjoyment of their right to freedom of expression,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights;

2. *Welcomes* the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2002/75 and Add.1 and 2) and welcomes in particular his ongoing and increasing cooperation with other thematic and country-specific mechanisms and with other organizations, and his efforts to promote respect for the right to freedom of opinion and expression;

3. *Expresses its continuing concern* at the extensive occurrence of detention, long-term detention and extrajudicial killing, torture, intimidation, persecution and harassment, including through the abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship, of threats and acts of violence and of discrimination directed at persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, as well as at persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them, or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights, and calls on States to put an end to these violations and to bring to justice those responsible;

4. *Calls for* further progress towards the release of persons detained for exercising the rights and freedoms referred to in paragraph 3 of the present resolution, bearing in mind that each individual is entitled to the full enjoyment of all human rights and fundamental freedoms;

5. *Expresses its concern* at the number of cases in which the violations referred to in paragraph 3 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration and too vague a definition of offences against State security;

6. *Recalls* that the International Covenant on Civil and Political Rights states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions as set out in article 19 of the Covenant, and encourages States to review their procedures and legislation to ensure that any limitations on the right to freedom of expression are only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or of public order (*ordre public*) or of public health or morals;

7. *Calls upon* States to refrain from imposing restrictions which are not consistent with the provisions of article 19, paragraph 3, of the International Covenant on Civil and Political Rights, including on discussion of government policies, reporting on corruption in government, engaging in peaceful demonstrations, or expression of religion or belief;

8. *Recalls* that the primary responsibility for promoting and protecting the right to freedom of opinion and expression rests with the State, notes with concern increasing reports of actions, as described in the report of the Special Rapporteur, which are having a negative impact on the ability of individuals and groups fully to enjoy their right to freedom of expression;

9. *Calls upon* all States to respect all human rights and fundamental freedoms and calls on all parties to armed conflict to respect international humanitarian law, including their obligations under the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto of 8 June 1977, whose provisions extend protection to journalists in situations of armed conflict; urges all States and parties to armed conflict to protect media professionals; urges States

to refrain from imposing restrictions on journalists in areas of armed conflict which violate international human rights law; and requests the Special Rapporteur to recommend steps that can be taken to protect journalists better in armed conflict;

10. *Expresses its concern* that high rates of illiteracy continue to exist in the world and reaffirms that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important for the achievement of these goals and for the development of the human person;

11. *Urges* Governments to implement effective measures to eliminate the atmosphere of fear which often prevents women who have been victims of violence, either in domestic or community settings or as a result of armed conflict, from communicating freely on their own behalf or through intermediaries;

12. *Stresses* the importance of a diversity of sources of information, including mass media, at all levels, and the importance of the free flow of information, as a way to promote full enjoyment of the right to freedom of opinion and expression, and encourages the facilitation of access to the Internet;

13. *Urges* Governments to respect freedom of expression in the media and broadcasting, and in particular, to respect the editorial independence of the media, and to encourage a diversity of sources of information, including through transparent licensing systems and effective regulations on undue concentration of ownership of the media in the private sector, and to refrain from imposing restrictions on the free flow of information and ideas which are not consistent with the provisions of article 19 , paragraph 3, of the International Covenant on Civil and Political Rights, including practices such as the unjustifiable banning or closing, of publications or other media and the abuse of administrative measures and censorship;

14. *Recognizes* that effective participation depends on the ability to express oneself freely and the freedom to seek, receive and impart information and ideas of all kinds, and urges Governments to facilitate the effective participation of women at decision-making levels in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts;

15. *Urges* States to refrain from imposing restrictions which are not consistent with the provisions of article 19 , paragraph 3, of the International Covenant on Civil and Political Rights on access to or use of modern telecommunications technologies, including radio, television and the Internet;

16. *Recognizes* the positive contribution that the exercise of the right to freedom of expression, particularly by the media, and new technologies, including the Internet, and full respect for the freedom to seek, receive and impart information, can make to the fight against racism, racial discrimination, xenophobia and related intolerance, but expresses regret about the promotion by certain media of false images and negative stereotypes of vulnerable individuals or groups of individuals and about the use of new information technologies such as the Internet for purposes contrary to respect for human values;

17. *Affirms* the vital importance for the promotion and protection of the right to freedom of opinion and expression of compliance by each State with its obligations as assumed under the International Convention on the Elimination of All Forms of Racial Discrimination, including article 4 thereof;

18. *Invites once again* the working groups, representatives and special rapporteurs of the Commission to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated, intimidated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

19. *Appeals* to all States:

(*a*) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, including the right to seek, receive and impart information regardless of frontiers, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms, and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation, even after their release from detention, for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(*b*) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(*c*) To create and permit an enabling environment in which training and professional development of the media can be organized in order to promote and protect the right to freedom of opinion and expression and can be carried out without threat of legal, criminal or administrative sanction by the State, and to refrain from the use of imprisonment or the imposition of fines for offences relating to the media which are disproportionate to the gravity of the offence and which violate international human rights law;

(*d*) To cooperate fully with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate, including giving serious consideration to requests from the Special Rapporteur for in-country visits, to follow up communications received and to consider implementing relevant recommendations of the Special Rapporteur;

20. *Invites* States to submit to the Special Rapporteur comments on their programmes and policies with respect to access to information for the purposes of education on and prevention of human immunodeficiency virus (HIV) infection, expresses its appreciation to States which have already done so and invites the Special Rapporteur, within the framework of his mandate, to consider these comments with a view to sharing best practices;

21. *Urges* the Secretary-General to ensure that the practices of the United Nations system concerning access to information are consistent with Commission resolutions 1999/60 on public information and 1999/64 on human rights education, of 28 April 1999;

22. *Invites* the Special Rapporteur, within the framework of his mandate:

(*a*) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding the right to freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within her mandate, to take into account reports in this regard in the context of her activities to promote and protect human rights with a view to preventing the occurrence and recurrence of human rights violations;

(*b*) In cooperation with the Special Rapporteur on violence against women, its causes and consequences, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live and to consider joint reports with the Special Rapporteur on violence against women;

(*c*) With a view to promoting greater efficiency and effectiveness, as well as enhancing his access to the information necessary for him to fulfil his duties, to continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups, other United Nations mechanisms and procedures in the field of human rights, specialized agencies, including the United Nations Educational, Scientific and Cultural Organization, and regional intergovernmental organizations and their mechanisms and further to develop and extend his network of relevant non-governmental organizations, particularly at the local level, with a view to ensuring that he has the full benefit of all pertinent information from such non-governmental organizations;

(*d*) To consider approaches taken to access to information with a view to sharing best practices;

(*e*) To continue to provide his views, when appropriate, on the advantages and challenges of new information technologies, including the Internet, for the exercise of the right to freedom of opinion and expression, including the right to seek, receive and impart information and the relevance of a wide diversity of sources;

(*f*) To continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

23. *Expresses once again its concern* at the inadequate resources, both human and material, provided to the Special Rapporteur and accordingly reiterates its request to the Secretary-General to provide the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by placing adequate human and material resources at his disposal, including for the translation and dissemination of his reports;

24. *Decides* to extend the mandate of the Special Rapporteur for a further three years;

25. *Requests* the Special Rapporteur to submit to the Commission at its fifty-ninth session a report covering activities relating to his mandate, and decides to continue its consideration of this question at that session.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XI.]

2002/49. Women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I), the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development held in March 1995 (A/CONF.166/9, chap. I, resolution 1), the Habitat Agenda adopted in June 1996 by the World Conference on Human Settlements (Habitat II) (A/CONF.165 /14, chap. I, resolution 1, annex II) the report of the Ad Hoc Committee of the Whole of the twenty-third special session of the General Assembly (A/S-23/10/Rev.1), the report of the Ad Hoc Committee of the Whole of the twenty-fourth special session of the Assembly (A/S-24/8/Rev.1) and the report of the Ad Hoc Committee of the Whole of the twenty-fifth special session of the General Assembly (A/S-25/7/Rev.1),

Reaffirming the human right to be free from discrimination and the equal right of women and men to the enjoyment of all civil, cultural, economic, political and social rights, *Recalling* its resolutions 2000/13 of 17 April 2000 and 2001/34 of 23 April 2001, Commission on the Status of Women resolution 42/1 of 13 March 1998 and the resolutions of the Sub-Commission on the Promotion and Protection of Human Rights on the matter,

Welcoming the findings of the Special Rapporteur on violence against women, its causes and consequences, contained in her report entitled "Economic and social policy and its impact on violence against women" (E/CN.4/2000/68/Add.5) submitted to the Commission at its fifty-sixth session, that women's poverty, together with a lack of alternative housing options, make it difficult for women to leave violent family situations, and reaffirming that forced relocation and forced eviction from home and land have a disproportionately severe impact on women, and encouraging the Special Rapporteur to continue to take these findings into consideration in her future work,

Recognizing that laws, policies, customs and traditions that restrict women's equal access to credit and loans also prevent women from owning and inheriting land, property and housing and exclude women from participating fully in development processes, are discriminatory and may contribute to the feminization of poverty,

Stressing that the impact of gender-based discrimination and violence against women on women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing is acute, particularly during complex emergency situations, reconstruction and rehabilitation,

Recognizing that the full and equal participation of women in all spheres of life is essential for the full and complete development of a country,

Convinced that international, regional and local trade, finance and investment policies should be designed in such a way that they do not increase gender inequality in terms of ownership of, access to and control over land and the rights to own property and to adequate housing and other productive resources and do not undermine women's capacity to acquire and retain these resources,

Mindful of the fact that elimination of discrimination against women requires consideration of women's specific socio-economic context,

1. *Welcomes* the report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 2001/34 (E/CN.4/2002/53);

2. *Reaffirms* women's right to an adequate standard of living, including adequate housing, as enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and urges Governments to comply fully with their international and regional obligations and commitments concerning land tenure and the equal rights of women to own property and to an adequate standard of living, including adequate housing;

3. *Affirms* that discrimination in law against women with respect to having access to, acquiring and securing land, property and housing, as well as financing for land, property and housing, constitutes a violation of women's human right to protection against discrimination;

4. *Reaffirms* Commission on the Status of Women resolution 42/1, which, inter alia, urged States to design and revise laws to ensure that women are accorded full and equal rights to own land and other property, and the right to adequate housing, including through the right to inheritance, and to undertake administrative reforms and other necessary measures to give women the same right as men to credit, capital, appropriate technologies, access to markets and information;

5. *Encourages* Governments to support the transformation of customs and traditions that discriminate against women and deny women security of tenure and equal ownership of, access to and control over land and equal rights to own property and to adequate housing, to ensure the right of women to equal treatment in land and agrarian reform as well as in land resettlement schemes and in ownership of property and in adequate housing, and to take other measures to increase access to land and housing for women living in poverty, particularly female heads of household;

6. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise and recommends that Governments encourage financial lending institutions to ensure that their policies and practices do not discriminate against women;

7. *Recommends* that international financial institutions, regional, national and local housing financing institutions and other credit facilities promote the participation of women and take into account their views in order to remove discriminatory policies and practices, giving special consideration to single women and households headed by women, and that these institutions evaluate and measure progress to this end;

8. *Encourages* Governments, specialized agencies, funds, programmes and other organizations of the United Nations system, as well as other international organizations and non-governmental organizations, to provide judges, lawyers, political and other public officials, community leaders and other concerned persons, as appropriate, with information and human rights education concerning women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing;

9. *Invites* the Secretary-General to encourage all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Development Programme, the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Development Fund for Women, to undertake further initiatives that promote women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing, and allocate further resources for studying and documenting the impact of complex emergency situations, particularly with respect to women's equal rights to own land, property and adequate housing;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and other relevant international organizations, within their respective mandates, to address discrimination against women with respect to land, property and adequate housing in their cooperation programmes and field activities;

11. *Encourages* all the human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to integrate the content of the present resolution into their work, as appropriate;

12. *Encourages* the United Nations Housing Rights Programme to take into account the content of the present resolution;

13. *Requests* the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, within his mandate, to submit to the Commission at its fifty-ninth session a study on women and adequate housing;

14. *Decides* to consider the issue of women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing at its fifty-ninth session under the agenda item entitled "Economic, social and cultural rights".

51st meeting
23 April 2002
[Adopted without a vote. See chap. X.]

2002/50. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that the equal rights of women and men are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling all previous resolutions on this subject,

Recalling also the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) which affirms that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and calls for action to integrate the equal status and human rights of women into the mainstream of United Nations activity system-wide, *Welcoming* the increased integration of a gender perspective into the work of all entities of the United Nations and the major United Nations conferences, special sessions and summits, such as the special session of the General Assembly on human immunodeficiency virus/acquired immunodeficiency syndrome and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and their integrated and coordinated follow-up,

Welcoming the commitment of the Commission on the Status of Women at its forty-sixth session to improving the situation of women, in particular, by recognizing the importance of integrating a gender perspective and the human rights of women into poverty eradication and sustainable development, including through the empowerment of women throughout their life cycle in a globalizing world, environmental management and mitigation of natural disasters,

Acknowledging the need to integrate further a gender perspective into all aspects of the work of the United Nations system, including the treaty bodies, the Commission on Human Rights, the Sub-Commission on the Promotion and Protection of Human Rights and all other subsidiary mechanisms,

Bearing in mind that the Fourth World Conference on Women, held in Beijing in September 1995, in its Platform for Action (A/CONF.177/20, chap. I, annex II), and the General Assembly, in the outcome document of its twenty-third special session, entitled "Women 2000: gender equality, development and peace for the twenty-first century", called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Acknowledging the need for a comprehensive and integrated approach to the promotion and protection of the human rights of women, which includes the integration of the human rights of women into the mainstream of United Nations activities system-wide,

Reaffirming the need to implement fully international humanitarian and human rights law in order to protect fully the human rights of women and girls,

Emphasizing the pivotal role of the Commission on the Status of Women in promoting equality between women and men and welcoming its agreed conclusions on the human rights of women and on the other critical areas of concern of the Platform for Action,

Welcoming the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 22 December 2000,

Reaffirming the important role that women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2002/81);

2. *Emphasizes* that the goal of mainstreaming a gender perspective is to achieve gender equality and that this includes ensuring that all United Nations activities integrate the human rights of women;

3. *Recognizes* the importance of examining the intersection of multiple forms of discrimination, including their root causes, from a gender perspective, and their impact on the advancement of women and the enjoyment by woman of their human rights, in order to develop and implement strategies, policies and programmes aimed at the elimination of all forms of discrimination against women and to increase the role that women play in the design, implementation and monitoring of gender-sensitive anti-discrimination policies;

4. *Invites* the Economic and Social Council to continue to give attention to the implementation of its agreed conclusions 1997/2 on mainstreaming the gender perspective into all policies and programmes of the United Nations system and 1998/2 related to the coordinated follow-up and implementation of the Vienna Declaration and Programme of Action, in particular Part II, section B.3 on the equal status and human rights of women, inter alia through the conference reviews, in the promotion of an integrated and coordinated implementation of and follow-up to major United Nations conferences and summits in the economic, social and related fields;

5. *Encourages* the integration of the gender perspective and the human rights of women into the work and outcome of the World Summit on Sustainable Development, to be held in Johannesburg, South Africa, in August 2002, in particular in strategies for poverty eradication and sustainable development;

6. *Welcomes* the decision of the Economic and Social Council, in its resolution 2001/41 of 26 July 2001, to include a regular sub-item on gender mainstreaming in its substantive session and to devote before 2005 the coordination segment of one of its substantive sessions to the review and appraisal of the system-wide implementation of agreed conclusions 1997/2 adopted by the Council on 18 July 1997, on mainstreaming a gender perspective into all policies and programmes in the United Nations system;

7. *Encourages* the continued commitment of the United Nations High Commissioner for Human Rights to integrating the human rights of women throughout the United Nations system, including through continued cooperation with the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women;

8. *Welcomes* the continued cooperation between the Commission on the Status of Women and the Commission on Human Rights, including through joint bureau meetings and the participation of the Chair of the Commission on the Status of Women in the work of the Commission on Human Rights and, similarly, the participation of the Chair of the Commission on Human Rights in the sessions of the Commission on the Status of Women, and encourages the continuation of this reciprocal collaboration;

9. *Also welcomes* the cooperation and coordination between the Division for the Advancement of Women and the Office of the United Nations High Commissioner for Human Rights aimed at mainstreaming the human rights of women, including through their joint work plan;

10. *Further welcomes* the report of the Secretary-General on the joint work plan for the year 2002 of the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women and the Office of the High Commissioner (E/CN.4/2002/82-E/CN.6/2002/6), in particular the proposal to create a multi-media training package on international human rights instruments, starting with the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and takes note of the proposal to convene a meeting of national human rights institutions, national machineries for the advancement of women and the Committee on the Elimination of Discrimination against Women to discuss strategies to address the elimination of sex discrimination;

11. *Encourages* the Secretary-General to ensure implementation of the joint work plan, to continue to elaborate this plan, reflecting all aspects of work under way and the lessons learned, to identify obstacles/impediments and areas for further collaboration and to make it available to the Commission on Human Rights at its fifty-ninth session and to the Commission on the Status of Women at its forty-seventh session;

12. *Urges* the relevant organs, bodies and agencies of the United Nations system, including all human rights bodies, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees to bear in mind, in the recruitment of staff, including for peacekeeping operations and humanitarian and human rights missions, the need for expertise in the enjoyment by women and girls of human rights;

13. *Emphasizes* the need for further activities in the United Nations system to strengthen expertise concerning the equal status and human rights of women through, inter alia, the provision of training on the human rights of women and on gender mainstreaming, including through gender impact analysis, to all United Nations personnel and officials at Headquarters and in the field, especially in field operations;

14. *Recognizes* the importance of the participation of women at all levels of decision-making, including at the higher levels within the United Nations system, for the achievement of gender equality and the realization of the human rights of women, and in this regard strongly encourages Member States to promote gender balance by, inter alia, regularly nominating more women candidates for election to the human rights treaty bodies and for appointment to United Nations bodies, including international courts and tribunals, the specialized agencies and other organs, and calls upon all relevant actors to implement General Assembly resolution 56/127 of 19 December 2001 on improvement of the status of women in the United Nations system;

15. *Encourages* United Nations bodies and agencies to increase cooperation with other organizations in developing activities to address, within their respective mandates, violations of the human rights of women and to promote the full enjoyment of all human rights and fundamental freedoms by women, including by developing activities with other organizations;

16. *Encourages* the Special Rapporteur on violence against women, it causes and consequences, with a view to promoting greater efficiency and effectiveness, as well as enhancing her access to the information necessary to fulfil her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion of human rights of women;

17. *Requests* all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission for the Promotion and Protection of Human Rights, and invites human rights treaty bodies, regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encourages the strengthening of cooperation and coordination between these procedures and mechanisms;

18. *Welcomes* the initiative of the Committee on Economic, Social and Cultural Rights to develop a general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights regarding the equal right of women and men to the enjoyment of all economic, social and cultural rights set forth in the Covenant;

19. *Encourages* States to give particular consideration to the general comments of the treaty bodies that relate to the enjoyment by women of their human rights;

20. *Notes with appreciation* the request made by the Economic and Social Council in its agreed conclusions 1998/2 that the Commission make explicit the integration of a gender perspective when establishing or renewing human rights mandates;

21. *Urges* the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms, and requests the Office of the United Nations High Commissioner for Human Rights to utilize gender-inclusive language in the preparation of all of its communications, reports and publications, and to work with the United Nations conference services to ensure gender-inclusive language and interpretation in the proceedings of the Office;

22. *Encourages* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, bearing in mind the workshops on gender integration, and reaffirms that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective, bearing in mind also the need;

(*a*) To develop gender-sensitive guidelines to be used in the review of reports of States parties;

(*b*) To develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(*c*) To incorporate a gender analysis and to exchange information regularly in the development of general comments and recommendations, with a view to the preparation of general comments which reflect a gender perspective;

(*d*) To incorporate a gender perspective in concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

23. *Encourages* all entities charged with the promotion and protection of human rights, especially United Nations human rights bodies and mechanisms, to identify, collect and use sex-disaggregated data and gender-specific information in their activities and to apply gender analysis in monitoring and reporting;

24. *Welcomes* the submission of reports by specialized agencies, at the invitation of the Committee on the Elimination of Discrimination against Women, on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women in areas falling within the scope of their activities and the contribution of non-governmental organizations to the work of the Committee;

25. *Encourages* all entities of the United Nations system to pay systematic, increased and sustained attention to the recommendations of the Committee, in order to ensure that its concluding observations and general recommendations are better utilized in their respective work;

26. *Urges* all States that have not yet ratified or acceded to the Convention to do so, so that universal ratification of the Convention can be achieved as soon as possible, and urges all States parties that have not yet done so to consider signing, ratifying or acceding to the Optional Protocol to the Convention;

27. *Urges* States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

28. *Urges* States that have ratified or acceded to the Convention to take action to implement the Convention fully, inter alia through national legislation, policies and practice, and to take account of the recommendations of the Committee on the Elimination of Discrimination against Women in this regard;

29. *Encourages* all relevant entities of the United Nations system, within their mandates, as well as Governments and intergovernmental and non-governmental organizations, in particular women's organizations, as appropriate, to continue to assist States parties, upon the request of those States, in implementing the Convention;

30. *Encourages also* all relevant entities of the United Nations system to continue to build women's knowledge and understanding of and capacity to utilize human rights instruments, in particular the Convention and the Optional Protocol thereto;

31. *Notes* the first resolution on women and peace and security adopted by the Security Council, resolution 1325 (2000) of 31 October 2000, which, inter alia, calls on actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia, measures that ensure the protection of and respect for the human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;

32. *Recognizes* the important role of women in the prevention and resolution of conflicts and in peace-building, the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security and the need to increase their role in decision-making with regard to conflict prevention and resolution, and urges the United Nations system and Governments to make further efforts in this regard and to take steps to ensure and support the full participation of women at all levels of decision-making and implementation in development activities and peace processes, including conflict prevention and resolution, post-conflict reconstruction, peacemaking, peacekeeping and peace-building, as well as through the integration of a gender perspective into those United Nations processes;

33. *Welcomes* the 1999 Inter-Agency Standing Committee policy statement for the integration of a gender perspective in humanitarian assistance, and requests the Secretary-General to provide information on the status of implementation and impact of that policy statement;

34. *Requests* the Secretary-General to report, at its fifty-ninth session, on the implementation of the present resolution including analysing the degree to which the human rights of women are being integrated into the United Nations system, the work of the Commission and its subsidiary bodies, identifying obstacles and challenges to implementation of the resolution and to make concrete, comprehensive recommendations for action by States and/or by the United Nations system;

35. *Decides* to integrate a gender perspective into all of its agenda items;

36. *Also decides* to continue its consideration of the question at its fifty-ninth session.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XII.]

2002/51. Traffic in women and girls

The Commission on Human Rights,

Recalling the United Nations Millennium Declaration, particularly the resolve expressed by heads of State and Government to intensify efforts to fight transnational organized crime in all its dimensions, including trafficking in human beings,

Recalling also all previous resolutions on the problem of the traffic in women and girls adopted by the General Assembly and the Commission on Human Rights, as well as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

Reaffirming the provisions pertaining to the traffic in women and children adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women, the Ninth and Tenth United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century", the twenty-fourth special session of the General Assembly entitled "World Summit on Social Development and beyond: achieving social development for all in a globalizing world", the Second World Congress against Commercial Sexual Exploitation of Children and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

Stressing once again the urgent need to eliminate all forms of sexual violence and trafficking, including for prostitution, which both violate and impair or nullify the enjoyment by women and girls of their human rights and fundamental freedoms and are incompatible with the dignity and worth of the human person, through the adoption of effective measures nationally, regionally and internationally,

Recognizing that victims of trafficking are particularly exposed to racism, racial discrimination, xenophobia and related intolerance,

Noting with concern that women and girls are often subject to multiple forms of discrimination on the grounds of their gender as well as their origin, particularly when they are victims of trafficking,

Welcoming the adoption by the General Assembly in resolution 55/25 of 15 November 2000 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Welcoming also the entry into force of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, *Recognizing* the importance of bilateral, subregional and regional cooperation mechanisms and initiatives to address the problem of trafficking in women and children, in particular girls, and taking note of the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution adopted in January 2002 by the South Asian Association for Regional Cooperation; the Declaration on the Fight against Trafficking in Persons and the Initial Plan of Action against Trafficking in Persons (2002-2003) adopted at Dakar in December 2001 of the Economic Community of West African States; the Asia-Europe Meeting Action Plan to Combat Trafficking in Persons, Especially Women and Children, held at Beijing in May 2001; the Europe against Trafficking in Persons Conference of the Organization for Security and Cooperation in Europe, held at Berlin in October 2001; and the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali, Indonesia, in February 2002,

Recognizing also that global efforts, including international cooperation and technical assistance programmes, to eradicate trafficking in persons, particularly women and children, demand strong political commitment by and the active cooperation of all Governments of countries of origin, transit and destination,

Stressing the need for a global approach to eradicate trafficking in women and children and the importance, in this regard, of systematic data collection and comprehensive studies, including on the modus operandi of trafficking syndicates,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelter for trafficked women and children, and in effecting their voluntary repatriation to their countries of origin,

Recognizing the need to address the impact of globalization on the problem of trafficking in women and children, in particular girls,

Seriously concerned at the increasing number of women and girl children from developing countries and from some economies in transition who are being trafficked to developed countries, as well as within and between regions and States, and acknowledging that the problem of trafficking also includes the victimizing of boys,

Gravely concerned at the increasing activities of transnational criminal organizations and others that profit from international trafficking in women and children without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards,

Convinced of the need to protect and assist all victims of trafficking, with full respect for their human rights,

Deeply concerned about the unabated use of new information technologies, including the Internet, for purposes of exploitation of the prostitution of others and for child pornography, paedophilia and any other forms of sexual exploitation of children, trafficking in women as brides and sex tourism,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2002/80) on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

2. *Takes note* of resolution 2001/14 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights;

3. *Invites* Governments as well as donors, the Office of the United Nations High Commissioner for Human Rights and international, regional and non-governmental organizations to consider the need for comprehensive anti-trafficking strategies, greater allocation of resources and better coordination of programmes and activities in tackling the problem of trafficking in persons, particularly women and girls;

4. *Invites* human rights treaty bodies, the special rapporteurs and subsidiary bodies of the Commission, the Office of the High Commissioner, other United Nations bodies and international organizations to continue to address within their mandates the problem of trafficking in women and girls, and to share their knowledge and best practices as widely as possible;

5. *Urges* Governments to take appropriate measures to address the root factors, including external factors, that encourage trafficking in women and children, in particular girls, for prostitution and other forms of commercialized sex, forced marriages and forced labour, so as to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing perpetrators, through both criminal and civil measures;

6. *Also urges* Governments to adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, and that leads to trafficking;

7. *Calls upon* Governments to criminalize trafficking in women and children in all its forms and to condemn and penalize traffickers and intermediaries, while ensuring protection and assistance to the victims of trafficking with full respect for their human rights;

8. *Encourages* Governments to take steps to ensure for victims of trafficking respect for all their human rights and fundamental freedoms, including taking steps to ensure that all legislation related to combating trafficking is gender-sensitive and provides protection for the human rights of women and girls and against violations committed against women and girls;

9. *Calls upon* Governments to ensure that the treatment of victims of trafficking, especially women and girls, as well as all measures taken against trafficking in persons, in particular those that affect the victims of such trafficking, are consistent with internationally recognized principles of non-discrimination, including the prohibition of racial discrimination and the availability of appropriate legal redress;

10. *Encourages* Governments to conclude bilateral, subregional, regional and international agreements to address the problem of trafficking in women and children, in particular girls;

11. *Urges* Governments to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and the protocols supplementing the Convention, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

12. *Also urges* Governments to consider signing and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as a matter of priority, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

13. *Invites* Governments to encourage Internet service providers to adopt or strengthen self-regulatory measures to promote the responsible use of the Internet with a view to eliminating trafficking in women and children, in particular girls;

14. *Encourages* the business sector, in particular the tourist industry and Internet providers, to develop codes of conduct, with a view to preventing trafficking in persons and protecting the victims of such traffic, especially those in prostitution, against gender-based and racial discrimination and promoting their rights, dignity and security;

15. *Encourages* Governments, in cooperation with intergovernmental organizations and non-governmental organizations, to undertake information campaigns, targeted at women and girls, aimed at clarifying opportunities, limitations and rights in the event of migration so as to enable women to make informed decisions and to prevent them from becoming victims of trafficking;

16. *Calls upon* concerned Governments to allocate resources, as appropriate, to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and health care, and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims;

17. *Requests* Governments to establish comprehensive policies, programmes and other measures, including through the collection of quantitative and qualitative data, to prevent victimization of women and girls and to protect victims of trafficking from revictimization;

18. *Urges* Governments to provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons which should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of victims, including protecting the victims from traffickers; the training should also

take into account the need to consider human rights and child-and-gender-sensitive issues and it should encourage cooperation with non-governmental organizations, other relevant organizations and other elements of civil society;

19. *Takes note* of the establishment of the Intergovernmental Organization Contact Group on Trafficking and Migrant Smuggling, under the coordination of the Trafficking Adviser of the United Nations High Commissioner for Human Rights and co-chaired by the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, which brings together representatives of the major Geneva-based intergovernmental organizations working on trafficking, as well as relevant non-governmental organizations, for cooperation and collaboration on the issue of trafficking;

20. *Invites* the United Nations High Commissioner for Human Rights, in cooperation with participating organizations of the Contact Group, to brief delegations and other interested parties on the Office of the United Nations High Commissioner for Human rights Trafficking Programme and the activities of the Contact Group during the fifty-ninth session of the Commission;

21. *Requests* the Secretary-General to provide the Commission, at its fifty-ninth session, with an update on the report on activities of the United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls;

22. *Decides* to continue its consideration of this question at its fifty-ninth session under the appropriate agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XII.]

2002/52. Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Reaffirming the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) and the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104 of 20 December 1993, *Recalling* all its previous resolutions on the elimination of violence against women, in particular its resolution 1994/45 of 4 March 1994, in which it decided to appoint a special rapporteur on violence against women, its causes and consequences,

Noting all General Assembly resolutions relevant to elimination of violence against women,

Welcoming the Beijing Declaration and Platform for Action adopted in September 1995 by the Fourth World Conference on Women (A/CONF.177/20, chap. I), follow-up action by the Commission on the Status of Women on violence against women and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",

Recalling Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

Reaffirming the responsibility of all States to put an end to impunity and prosecute those responsible for genocide, crimes against humanity and war crimes,

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court (A/CONF.183/9), which affirms that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence constitute, in defined circumstances, a crime against humanity and/or a war crime, and reiterating that acts of sexual violence in situations of armed conflict can constitute serious violations or grave breaches of international humanitarian law,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women, widows and women in situations of armed conflict are often especially targeted or vulnerable to violence, as are women who are otherwise discriminated against,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls, and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action, including effective implementation of national legislation, against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination against women,

Expressing its appreciation of the initiatives of the United Nations Development Fund for Women to combat violence against women at the international, national and regional levels,

1. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her report on cultural practices in the family that are violent towards women (E/CN.4/2002/83 and Add.1-3);

2. *Also welcomes* the attention given to violence against women by its special mechanisms;

3. *Affirms* that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation;

4. *Strongly condemns* all acts of violence against women and girls and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized, including medical, assistance to victims;

5. *Affirms* that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;

6. *Strongly condemns* physical, sexual and psychological violence occurring in the family, which encompasses, but is not limited to, battering, sexual abuse of women and girls in the household, dowry-related violence, marital rape, female infanticide, female genital mutilation, crimes committed against women in the name of honour, crimes committed in the name of passion, traditional practices harmful to women, incest, early and forced marriages, non-spousal violence and violence related to commercial sexual exploitation as well as economic exploitation;

7. *Stresses* that violence against women in the family occurs within the context of de jure and de facto discrimination against women and the lower status accorded to women in society and is exacerbated by the obstacles women often face in seeking remedies from the State;

8. *Emphasizes* that violence against women has an impact on their physical and mental health, including their reproductive and sexual health and, in this regard, encourages States to ensure that women have access to comprehensive and accessible health services and programmes and to health care providers who are knowledgeable and trained to meet the needs of patients who have been subjected to violence, in order to minimize the adverse physical and psychological consequences of violence;

9. *Also emphasizes* that violence against women and girls, including rape, female genital mutilation, incest, early and forced marriage, violence related to commercial sexual exploitation as well as economic exploitation and other forms of sexual violence can increase their vulnerability to the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and aggravate the conditions fostering the spread of HIV/AIDS;

10. *Recalls* the report to the Commission by the Special Rapporteur entitled "A framework for model legislation on domestic violence" (E/CN.4/1996/53/Add.2), which, inter alia, contained general and specific recommendations to guide State action with respect to violence against women in the family, and invites States to continue to give due regard to those recommendations;

11. *Reminds* Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be implemented fully with regard to violence against women, taking into account general recommendation 19 adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, reaffirms the commitment to accelerate the achievement of universal ratification of the Convention, and urges all States that have not yet ratified or acceded to the Convention to do so;

12. *Urges* States parties to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

13. *Also urges* States parties to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly to review them with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or which are otherwise incompatible with international treaty law;

14. *Stresses* that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent, investigate and punish acts of all forms of violence against women, and calls upon States:

(*a*) To apply international human rights norms and to ratify and implement fully international human rights instruments that relate to violence against women and girls;

(*b*) To take all measures to empower women and strengthen their economic independence and to protect and promote the full enjoyment of all human rights and fundamental freedoms in order to allow women and girls to protect themselves better against violence;

(*c*) To condemn violence against women and not invoke custom, tradition or practices in the name of religion or culture to avoid their obligations to eliminate such violence;

(*d*) To intensify efforts to develop and/or utilize legislative, educational, social and other measures aimed at the prevention of violence against women, including the adoption and implementation of laws, the dissemination of information, active involvement with community-based players and the training of legal, judicial and health personnel, and, where possible, through developing and strengthening support services;

(*e*) To enact and, where necessary, reinforce or amend domestic legislation, including measures to enhance the protection of victims, to investigate, prosecute, punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, in custody or in situations of armed conflict, to ensure that they conform with relevant international human rights instruments and humanitarian law, and to take action to investigate and punish persons who perpetrate acts of violence against women;

(*f*) To formulate, implement and promote, at all appropriate levels, plans of action to eliminate violence against women, guided by, inter alia, the Declaration on the Elimination of Violence against Women, as well as relevant regional instruments pertaining to the elimination of violence against women;

(*g*) To support initiatives undertaken by women's organizations and non-governmental organizations on the elimination of violence against women and to establish and/or strengthen, at the national level, collaborative relationships with relevant non-governmental and community-based organizations, and with public and private sector institutions, aimed at the development and effective implementation of provisions and policies relating to violence against women, including in the area of support services for victims;

(*h*) To intensify efforts to raise collective and individual awareness about violence against women, to highlight men's role in the prevention and elimination of violence, and to encourage and support initiatives that encourage behavioural change on the part of perpetrators of violence against women;

(*i*) To develop and/or enhance, including through funding, training programmes for judicial, legal, medical, social, educational, police, correctional service, military, peacekeeping, humanitarian relief and immigration personnel, in order to prevent the abuse of power leading to violence against women and to sensitize such personnel to the nature of gender-based acts and threats of violence;

(*j*) To examine the impact of, and take measures to address, gender role stereotypes that contribute to the prevalence of violence against women, including in cooperation with the United Nations system, regional organizations, civil society, the media and other relevant actors;

15. *Strongly condemns* violence against women committed in situations of armed conflict, such as murder, rape, including systematic rape, sexual slavery and forced pregnancy, and calls for effective responses to these violations of international human rights and humanitarian law;

16. *Welcomes* the inclusion of gender-related crimes in the Rome Statute of the International Criminal Court and the finalized draft text of the Elements of Crimes, and urges States to ratify or accede to the Rome Statute, which will enter into force on 1 July 2002;

17. *Also welcomes* efforts to eliminate impunity for violence against women in situations of armed conflict, including by prosecuting gender-related crimes and crimes of sexual violence in the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda;

18. *Further welcomes* the establishment of the Special Court for Sierra Leone and in particular the inclusion of crimes against women and girls in its Statute, and the creation of a Victims and Witnesses Unit to provide protective measures, counselling and other appropriate assistance;

19. *Urges* the integration of a gender perspective in all efforts to eliminate impunity;

20. *Urges* States to integrate a gender perspective into commissions of inquiry and commissions for achieving truth and reconciliation, and invites the Special Rapporteur to report, as appropriate, on these mechanisms;

21. *Also urges* States to provide gender-sensitive training to all actors, as appropriate, in peacekeeping missions in dealing with victims, particularly women and girls, of violence, including sexual violence, and in this regard, acknowledges the important role of peace support operations personnel in eliminating violence against women, and calls upon States to promote, and relevant agencies of the United Nations system and regional organizations to ensure, implementation of the Ten Rules Code of Personal Conduct for Blue Helmets;

22. *Further urges* States to mainstream a gender perspective into national immigration and asylum policies, regulations and practices, as appropriate, in order to promote and protect the rights of all women, including the consideration of steps to recognize gender-related persecution and violence when assessing grounds for granting refugee status and asylum;

23. *Urges* States and the United Nations system to give attention to, and encourages greater international cooperation in, the systematic research, collection, analysis and dissemination of data, including information disaggregated by sex and age, on the extent, nature and consequences of violence against women and girls, and on the impact and effectiveness of policies and programmes for combating this violence;

24. *Calls upon* States to include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments sex- and age-disaggregated data and information pertaining to violence against women, including measures to eliminate traditional or customary practices harmful to women and girls, and other measures taken to

implement the Declaration on the Elimination of Violence against Women, the Platform for Action adopted by the Fourth World Conference on Women and other instruments relevant to the elimination of violence against women;

25. *Requests* all Governments to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties, to supply all information requested, including with regard to implementation of her recommendations, and to respond to the Special Rapporteur's visits and communications;

26. *Invites* the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission, including, where appropriate, undertaking joint missions, joint reports, urgent appeals and communications;

27. *Encourages* the Special Rapporteur, with a view to promoting greater efficiency and effectiveness, as well as enhancing her access to the information necessary to fulfil her duties, to continue to cooperate with regional intergovernmental organizations and any of their mechanisms engaged in the promotion of human rights of women;

28. *Requests* special rapporteurs responsible for various human rights questions, United Nations organs and bodies, specialized agencies and intergovernmental organizations, and encourages the human rights treaty bodies, to give consideration to violence against women within their respective mandates, to cooperate with and assist the Special Rapporteur in the performance of her mandated tasks and duties and, in particular, to respond to her requests for information on violence against women, its causes and consequences;

29. *Renews its request* to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

30. *Requests* the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-seventh session, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

31. *Decides* to continue consideration of the question as a matter of high priority at its fifty-ninth session.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XII.]

2002/53. Abduction of children from northern Uganda

The Commission on Human Rights,

Guided by the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

Recalling also the obligation to respect and strictly observe international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of victims of war, the Additional Protocols thereto of 1977 and other applicable instruments of international law,

Welcoming the entry into force of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflict, which strengthens international standards that protect war-affected children,

Recalling its resolution 2000/60 of 26 April 2000, in which it requested the Office of the United Nations High Commissioner for Human Rights to undertake an assessment of the situation of the abduction of children from northern Uganda on the ground in the affected areas,

Taking note of the report of the Secretary-General on children and armed conflict (A/56/342-S/2001/852) submitted to the General Assembly and the Security Council, and the findings and recommendations presented in the report of the Special Representative of the Secretary-General on the impact of armed conflict on children (A/56/453),

Deeply concerned at the continuing abduction, torture, detention, rape, enslavement and forced recruitment of children from northern Uganda,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the mission undertaken by her Office pursuant to Commission resolution 2000/60 to assess the situation on the ground with regard to the abduction of children from northern Uganda (E/CN.4/2002/86);

2. *Condemns in the strongest terms* the Lord's Resistance Army for the continued abduction, torture, killing, rape, enslavement and forcible recruitment of children in northern Uganda;

3. *Demands* the immediate cessation of all abductions and attacks on civilian populations, particularly women and children, in northern Uganda by the Lord's Resistance Army;

4. *Calls* for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

5. *Requests* the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly in its resolution 36/151 of 16 December 1981, to continue to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

6. *Urges* Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army to exert all possible pressure on it to release, immediately and unconditionally, all children abducted from northern Uganda;

7. *Also urges* all Member States to support sustainable rehabilitation and reintegration programmes for abducted children and their dependants, including the provision of psychosocial assistance, basic education and vocational training, taking into account the special protection needs of girls and women;

8. *Welcomes* the bilateral agreement between the Sudan and Uganda signed by the Presidents of the two countries at Nairobi on 8 December 1999;

9. *Also welcomes* the re-establishment of full diplomatic relations between the Sudan and Uganda and the reopening of resident embassies by the two countries in Khartoum and Kampala;

10. *Further welcomes* the return of some of the abducted children and calls for more efforts to be exerted to release the remaining children held in captivity by the rebels;

11. *Expresses its appreciation* of the commitment made by the Governments of the Sudan and Uganda to make a special effort to locate persons, especially children, who have been abducted in the past and to return them to their families;

12. *Notes* the recent efforts exerted by the Governments of the Sudan and Uganda, complemented by those of the Special Representative of the Secretary-General on the impact of armed conflict on children, the United Nations Children's Fund and intergovernmental organizations, which resulted in the identification and reunification of more of those children with their families;

13. *Underscores* the gravity of the matter and urges the United Nations and the international community to continue concerted efforts aimed at improving the situation concerning the abduction of children and meeting the needs of the victims;

14. *Decides* to continue its consideration of the question at its fifty-ninth session under the same agenda item.

51st meeting
23 April 2002
[Adopted without a vote. See chap. XIII.]

2002/54. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the basic instruments for the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various United Nations bodies,

Aware of the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Deeply concerned at the grave situation of vulnerability of migrant workers and members of their families,

Reiterating that, despite the existence of an established body of principles and norms, there is an urgent need worldwide to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Underlining the importance of the creation and development of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia perpetrated by individuals or groups against migrant workers in certain segments of many societies, *Recalling* General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment directed against migrant workers in different parts of the world;

2. *Welcomes* the signing or ratification of or accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some States, and takes note of the report of the Secretary-General on the status of the Convention (E/CN.4/2002/89);

3. *Calls again upon* all States to consider seriously signing and ratifying or acceding to the Convention as a matter of priority, especially taking into account that only one more ratification is needed for the Convention to enter into force;

4. *Expresses the hope* that the Convention will enter into force at an early date, since pursuant to article 87 of the Convention, only one more ratification or accession is needed;

5. *Requests* the Secretary-General to make all the necessary provisions for the timely establishment of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families referred to in article 72 of the Convention, as soon as the Convention enters into force, and calls on States parties to submit in due time their first periodic report;

6. *Also requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

7. *Welcomes* the work of the Special Rapporteur on the human rights of migrants in relation to the Convention and encourages her to persevere in this endeavour;

8. *Also welcomes* the increasing activities of the global campaign for the entry into force of the Convention and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on the Convention and promoting understanding of the importance of the Convention;

9. *Requests* the Secretary-General to report to the Commission at its fifty-ninth session on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

10. *Decides* to include in the provisional agenda of its fifty-ninth session the agenda item entitled "Specific groups and individuals: migrant workers".

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/55. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Preamble to the Charter of the United Nations, which enjoins the peoples of the United Nations to practise tolerance and live together in peace with one another as good neighbours,

Recalling also the purposes and principles of the Charter of the United Nations,

Recalling further that the Universal Declaration of Human Rights affirms that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms and shall promote understanding, tolerance and friendship among all nations and all racial or religious groups,

Recalling the relevant paragraphs of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23),

Reaffirming the principles of equality and non-discrimination in the Universal Declaration of Human Rights and encouraging respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Noting that tolerance involves a positive acceptance of and respect for diversity and that pluralism encompasses the willingness to accord equal respect to the civil, political, economic, social and cultural rights of all individuals, without distinction based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Noting also that tolerance and mutual respect are values upheld by all religions in the world, *Recognizing* that tolerance and pluralism strengthen democracy, facilitate the full enjoyment of all human rights and thereby constitute a sound foundation for civil society, social harmony and peace,

Fully aware that, even at the onset of the twenty-first century, forces of aggressive nationalism, absence of religious tolerance and ethnic extremism continue to produce fresh challenges,

Noting that in a multi-ethnic, multi-religious and multicultural world, no society is beyond the dangers posed by the absence of tolerance and the violence that this can breed,

Reaffirming that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature which enriches all societies,

Recognizing that the equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies can contribute to a world free from racism, racial discrimination, xenophobia and related intolerance,

Underlining the importance attached by the Committee on the Elimination of Racial Discrimination to States parties' providing for educational measures for the teaching of the principles of tolerance and peaceful coexistence in a multicultural society,

Conscious that all forms of discrimination, including on ethnic grounds, are factors that promote intolerance and infringe upon human rights and fundamental freedoms, which in turn may threaten democratic pluralism and endanger harmony, peace and stability both within States and internationally,

Convinced that the guiding principles of democratic society, such as equality, the rule of law, accountability of Government, the observance of human rights, respect for pluralism and the practice of tolerance, need to be actively promoted by the international community,

Recognizing that efforts to promote tolerance require cooperation by States, civil society, media and individuals,

Recognizing also that promoting a culture of tolerance through human rights education is an objective that must be advanced in all States, and that the Office of the United Nations High Commissioner for Human Rights and mechanisms of the United Nations human rights system have an important role to play in this regard,

Noting the contribution made to promoting tolerance and respect for diversity by the special debate held on 26 March 2001, during the fifty-seventh session of the Commission, on the theme of tolerance and respect,

1. *Condemns unequivocally* all violent acts and activities that infringe upon human rights, fundamental freedoms and democracy and thereby undermine the values of tolerance and pluralism;

2. *Affirms* that the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind;

3. *Also affirms* that all peoples and individuals constitute one human family, rich in diversity, and have contributed to the progress of civilizations and cultures that form the common heritage of humanity, and that preservation and promotion of tolerance, pluralism and respect for diversity can produce more inclusive societies;

4. *Reiterates* the obligation of all States and the international community:

(*a*) To promote universal respect for and observance of all human rights and fundamental freedoms;

(*b*) To protect effectively the human rights of all persons belonging to national or ethnic, religious and linguistic minorities without any discrimination and in full equality before the law;

(*c*) To oppose all forms of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status in order to promote tolerance and pluralism at the national and international levels and take all appropriate means towards their prevention and elimination;

(*d*) To take steps to prevent all manifestations of hatred, intolerance and acts of violence, in particular through education and dialogue;

(*e*) To promote and enhance tolerance, coexistence and harmonious relations between ethnic, religious, linguistic and other groups and ensure that the values of pluralism, respect for diversity and non-discrimination are promoted effectively;

(*f*) To foster a culture conducive to promoting and protecting human rights, fundamental freedoms and tolerance, inter alia through education leading to genuine pluralism, a positive acceptance of diversity of opinion and belief, and respect for the dignity of the human person;

5. *Invites* the media to promote tolerance and respect for diversity;

6. *Notes with appreciation* the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to promote the values of tolerance and pluralism and calls upon the High Commissioner and her Office to continue to take steps:

(*a*) To include, in the work programmes of the Office, within overall existing resources, the promotion of tolerance, where appropriate through workshops and seminars, using mass media and non-governmental organizations, and, through its programme of advisory services and technical cooperation, to assist countries in their national programmes;

(*b*) To undertake, in that regard, specific educational initiatives and public-awareness activities for the promotion of tolerance and pluralism within the programmes and activities being implemented as part of the United Nations Decade for Human Rights Education (1995-2004), the International Decade of the World's Indigenous People (1994-2003) and the Third Decade to Combat Racism and Racial Discrimination (1993-2002);

(*c*) To advise or assist countries, upon request, through the programme of advisory services and technical cooperation, to put in place effective safeguards, including appropriate legislation, to guarantee the full enjoyment of all human rights by all segments of their population, without discrimination of any kind;

7. *Also notes with appreciation* the various initiatives that have promoted respect for diversity and tolerance, in particular in the context of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including those supported by the High Commissioner in her capacity as the Secretary-General of the Conference;

8. *Calls upon* the High Commissioner and her Office to include details of activities undertaken by the Office to implement the present resolution in her report to the Commission at its sixtieth session;

9. *Also calls upon* the relevant mechanisms of the Commission:

(*a*) To continue to attach the highest priority to the effective promotion, at the national and international levels, of the values of democracy, pluralism and tolerance;

(*b*) To further study situations and conditions that promote intolerance;

(*c*) To continue efforts aimed at identifying commonly accepted principles and best practices to promote tolerance and pluralism;

10. *Welcomes* the role of civil society, particularly non-governmental organizations working at the grass-roots level, in disseminating the importance of tolerance and pluralism through their awareness-raising activities;

11. *Decides* to consider this question at its sixtieth session under the appropriate agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/56. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers throughout the world of persons who have been forced or obliged to flee or leave their homes, without having crossed an internationally recognized State border and who often do not receive adequate protection and assistance,

Conscious of the human rights and humanitarian dimensions of the problem of internal displacement,

Aware of the serious challenge this is creating for the international community and of the responsibility of States and the international community to explore methods and means to better address the specific protection and assistance needs of internally displaced persons,

Emphasizing the primary responsibility of national authorities to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of their displacement in appropriate cooperation with the international community,

Noting the growing awareness in the international community of the issue of internally displaced persons worldwide and of the urgency of finding durable solutions, notably voluntary return in safety and with dignity, local integration or relocation, based on a free choice,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Noting with appreciation the work of the Representative of the Secretary-General in developing normative and institutional frameworks for protecting and assisting internally displaced persons, in particular the compilation and analysis of legal norms and the development of guiding principles; undertaking country missions to engage in dialogue with Governments and other pertinent actors; as well as conducting research and issuing reports on particular country situations, together with proposals for remedial measures, and on other issues relating to internal displacement,

Welcoming the cooperation established between the Representative of the Secretary-General and the United Nations as well as other international and regional organizations, in particular the participation of the Representative in the work of the Inter-Agency Standing Committee and its subsidiary bodies, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons, *Noting* the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), which encouraged the bodies, agencies and relevant programmes of the United Nations system and States to promote and to make use of the Guiding Principles on Internal Displacement, in particular those provisions relating to non-discrimination,

Recalling also its previous relevant resolutions, in particular resolution 2001/54 of 24 April 2001, taking note of General Assembly resolution 56/164 of 19 December 2001, and bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), regarding the need to develop global strategies to address the problem of internal displacement,

1. *Takes note with appreciation* of the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/2002/95 and Add.1-3);

2. *Commends* the Representative of the Secretary-General for his efforts to promote a comprehensive strategy that focuses on prevention and better protection, assistance and development for internally displaced persons;

3. *Expresses its appreciation* to the Representative of the Secretary-General for his activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play in raising the level of consciousness about the plight of internally displaced persons;

4. *Welcomes* the specific attention paid by the Representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and his commitment to pay more systematic and in-depth attention to women and children as well as other groups with specific needs among the internally displaced;

5. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, measures of prevention, the needs of those displaced and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations, and to include information thereon in his reports to the Commission and the General Assembly;

6. *Welcomes* the dissemination, promotion and application of the Guiding Principles on Internal Displacement and the fact that the Representative of the Secretary-General has made use of the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations, and requests him to continue his efforts in that regard;

7. *Expresses its appreciation* to Governments, intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and supported the work of the Representative of the Secretary-General;

8. *Calls upon* all Governments to facilitate the activities of the Representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the Representative;

9. *Thanks* Governments which have invited the Representative of the Secretary-General to visit their countries and encourages them to follow up on his recommendations and suggestions and to make available information on measures taken thereon;

10. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, as well as to provide access for them to public services, including education, and to facilitate the efforts of relevant United Nations agencies and humanitarian organizations in these respects, including by further improving access to internally displaced persons;

11. *Stresses* the importance of appropriate follow-up to the recommendations of the Representative of the Secretary-General by Governments as well as by the relevant parts of the United Nations system in the Inter-Agency Standing Committee, including at the country level;

12. *Expresses its appreciation* of the Guiding Principles on Internal Displacement, as an important tool for dealing with situations of internal displacement, and in this regard welcomes the fact that an increasing number of States, United Nations agencies, and regional and non-governmental organizations are making use of the Guiding Principles, and encourages the further use and application of the Guiding Principles;

13. *Expresses its appreciation* for the dissemination and promotion of the Guiding Principles, inter alia at regional and other seminars on displacement, and encourages the Representative to continue to initiate or support such seminars, in consultation with regional organizations, intergovernmental and non-governmental organizations and other relevant institutions, and to provide support for efforts to promote capacity-building and the use of the Guiding Principles;

14. *Stresses* the need to further strengthen inter-agency arrangements and the capacities of relevant United Nations agencies to meet the immense humanitarian challenge of internal displacement, and calls upon States to provide adequate resources for programmes to assist and protect internally displaced persons;

15. *Acknowledges with appreciation* the work of the International Committee of the Red Cross and the other components of the International Red Cross and Red Crescent Movement as well as of all the relevant humanitarian agencies in protecting and assisting internally displaced persons, and encourages them to cooperate closely with all relevant international bodies in this regard;

16. *Encourages* the Representative of the Secretary-General, the Emergency Relief Coordinator and the Office for the Coordination of Humanitarian Affairs, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund, the World

Food Programme, the World Health Organization, the International Organization for Migration, the International Labour Organization, the Food and Agriculture Organization of the United Nations, and all other relevant humanitarian assistance, human rights and development agencies and organizations, including non-governmental organizations, further to enhance their collaboration and coordination in respect of internally displaced persons, especially through the Inter-Agency Standing Committee;

17. *Emphasizes* in this regard the central role of the Emergency Relief Coordinator in inter-agency coordination for the protection and assistance of internally displaced persons, welcomes the establishment of the Senior Inter-Agency Network on Internal Displacement and subsequently, within the Office for the Coordination of Humanitarian Affairs, of the Unit on Internal Displacement, and encourages them to collaborate closely with and provide all possible assistance and support to the Representative of the Secretary-General;

18. *Notes with appreciation* the increased attention paid to internally displaced persons in the consolidated inter-agency appeals process and encourages further efforts to improve the integration of the protection and assistance needs of internally displaced persons in consolidated appeals;

19. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Co-operation in Europe, the Council of Europe and the Economic Community of West African States, to address the assistance, protection and development needs of internally displaced persons and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

20. *Also welcomes* the attention paid by relevant special rapporteurs, working groups experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the Representative of the Secretary-General;

21. *Calls upon* the United Nations High Commissioner for Human Rights, in cooperation with Governments, the Representative of the Secretary-General and other relevant parts of the United Nations system, to promote the human rights of internally displaced persons and to develop projects in this regard, including in the area of human rights education, as part of the programme of advisory services and technical cooperation, and to include in her report to the Commission information on their implementation;

22. *Takes note* of decision 2001/122 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights concerning the preparation of a working paper on the return of refugees' or displaced persons' property;

23. *Recalls with appreciation* the establishment of the global internally displaced persons database, as advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing financial resources;

24. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative of the Secretary-General to continue to seek the contribution of States, relevant organizations and institutions in order to put the work of the Representative on a more stable basis;

25. *Requests* the Representative of the Secretary-General to continue to report on his activities to the General Assembly and to the Commission;

26. *Decides* to continue its consideration of the question of internal displacement at its fifty-ninth session.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/57. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the General Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as its own resolution 2001/55 of 24 April 2001 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recalling also its resolution 1995/24 of 3 March 1995 as well as Economic and Social Council resolution 1995/31 of 25 July 1995 and decision 1998/246 of 30 July 1998 on the mandate of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of Sub-Commission resolution 2001/9 of 15 August 2001 on the rights of minorities,

Taking note also of the report of the International Seminar on Cooperation for the Better Protection of the Rights of Minorities (E/CN.4/2002/92) held in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 1, 2 and 5 September 2001 in Durban, South Africa,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural diversity and heritage of society, *Concerned* at the growing frequency and severity of disputes and conflicts involving minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Concerned also at instances of victimization or marginalization of persons belonging to minorities in situations of political or economic instability,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, as well as full and effective participation in matters affecting them, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Acknowledging that minority rights promote tolerance within societies and recognizing that the promotion of a culture of tolerance through human rights education shall be advanced by all States,

Acknowledging also that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Welcoming the work of the Office of the United Nations High Commissioner for Human Rights on the *United Nations Guide for Minorities* containing an overview of relevant procedures and mechanisms of regional and international organizations,

Welcoming also the work of the Working Group on Minorities in promoting regional and local initiatives for the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by organizing regional expert seminars,

Noting with satisfaction the emphasis by the Working Group on Minorities on the participation of minority representatives in its work,

1. *Takes note* of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2002/91 and Add.1 and 2) and of the report of the Working Group on Minorities on its seventh session (E/CN.4/Sub.2/2001/22), in particular the conclusions and recommendations contained therein;

2. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. *Urges* States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

4. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through equal access to education and the facilitation of their full participation in the economic progress and development in their country, and to apply a gender perspective while doing so;

5. *Urges* States to pay specific attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the situation of persons belonging to national or ethnic, religious and linguistic minorities, and draws attention to the relevant provisions of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), including the provisions on forms of multiple discrimination;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Also calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

8. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within her mandate, the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to engage in a dialogue with Governments concerned for that purpose;

9. *Invites* the High Commissioner to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

10. *Invites* the human rights treaty monitoring bodies, when considering reports submitted by States parties, as well as special representatives, special rapporteurs, working groups of the Commission and relevant United Nations agencies and programmes, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities;

11. *Encourages* the Working Group on Minorities, as requested by the Sub-Commission, within its mandate, to take due account of activities undertaken and reports prepared by intergovernmental regional organizations on human rights problems and situations involving minorities;

12. *Calls upon* States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

13. *Also calls upon* States to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities in the work of the Working Group, and invites the High Commissioner to seek voluntary contributions in this regard;

14. *Requests* the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

15. *Requests* the High Commissioner to invite Governments and relevant intergovernmental and non-governmental organizations to submit their views on how best to protect the rights of persons belonging to minorities;

16. *Also requests* the High Commissioner to submit to the Commission at its fifty-ninth session a report containing an analysis of the information already provided in the reports of existing special procedures, human rights treaty monitoring bodies and the Working Group on Minorities on situations involving national or ethnic, religious and linguistic minorities, in particular with regard to conflict prevention;

17. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of conflicts, to assist in existing or potential situations involving minorities and to report to the Commission at its fifty-ninth session on concrete projects and activities in this regard;

18. *Requests* the Secretary-General to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its fifty-ninth session under the same agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/58. Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women, *Reaffirming* the outcomes of the World Conference on Human Rights, held at Vienna in June 1993, the International Conference on Population and Development, held at Cairo in September 1994, the Fourth World Conference on Women, held at Beijing in September 1995, and the World Summit for Social Development, held at Copenhagen in March 1995, and their five-year reviews, specifically as the results pertain to women migrant workers,

Recalling the adoption by the General Assembly in its resolution 55/25 of 15 November 2000 of the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Welcoming the pertinent provisions that apply to women migrant workers in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I),

Reaffirming the necessity of eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice, and that their treatment must be in accordance with international human rights instruments, free from racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the need for accurate, objective, comprehensive and comparable information, as well as for a wide and systematic exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security for their citizens,

Deeply concerned over the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional and international levels in protecting and promoting the rights and welfare of women migrant workers,

1. *Takes note* of the report of the Secretary General on violence against women migrant workers (E/CN.4/2002/90);

2. *Welcomes* the report of the Special Rapporteur on the human rights of migrants (E/CN.4/2002/94 and Add.1), particularly the observations made on violence against women migrant workers, and encourages her to continue to address the issue of violence against women migrant workers, in particular the problem of gender-based violence and of discrimination, taking into account the conclusions in the report of the Secretary-General;

3. *Calls upon* concerned Governments, in particular those of countries of origin and destination, if they have not yet done so, to put in place penal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelter and other measures that will allow them to be present during the judicial process, to safeguard their dignified return to the country of origin as well as to establish reintegration and rehabilitation schemes for returning women migrant workers;

4. *Invites* the States concerned, specifically countries of origin and destination, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers in violation of their human dignity;

5. *Urges* States to seek full respect for, and compliance with, the Vienna Convention on Consular Relations of 1963, especially as it relates to the right of foreign nationals, regardless of their legal and immigration status, to communicate with a consular officer of their own State in the case of arrest or detention and to be informed without delay of this right;

6. *Encourages* States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Slavery Convention of 1926;

7. *Requests* the Secretary-General to submit to the Commission at its sixtieth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations;

8. *Decides* to continue its consideration of this question at its sixtieth session under the appropriate agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/59. Protection of migrants and their families

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, and that every individual is entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination,

Bearing in mind the obligations undertaken by every State party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and other international instruments on human rights,

Bearing in mind also the conclusions relating to the issue of migrants and their families adopted in the final documents of the World Conference on Human Rights, the World Summit for Social Development and other international conferences and summits and their follow-up processes organized under United Nations auspices,

Taking note of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), held in Durban, South Africa, in September 2001 and of its recommendations concerning the human rights of migrants and their families,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which the Assembly adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, and Assembly resolution 45/158 of 18 December 1990, by which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Taking note with deep concern of the persistent obstacles that prevent many migrants and their families from achieving the full enjoyment of their human rights, and bearing in mind that migrants are often victims of ill-treatment and of acts of discrimination, racism and xenophobia,

Recalling the adoption by the General Assembly, in its resolution 55/25 of 15 November 2000, of the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, *Bearing in mind* the importance of the participation of all countries involved in migration in international initiatives aimed at protecting the human rights of migrants and their families, and the essential role of international and regional cooperation in addressing in an integral manner diverse issues related to migration,

Reaffirming the sovereign right of each State to formulate and apply its own legal framework and policies for migration and that these policies must be consistent with applicable human rights instruments, norms and standards,

1. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

2. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers which remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

3. *Encourages* all Governments to remove unlawful obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

4. *Urges* States to consider giving special attention, when devising and implementing legislation and policies designed to enhance the protection of workers' rights, to the serious situation of lack of protection, and in some cases exploitation, of trafficked persons, smuggled migrants and domestic workers;

5. *Requests* all States, in conformity with national legislation, firmly to prosecute cases of violation of labour law with regard to migrant workers' conditions of work, including those related to, inter alia, their remuneration and the conditions of health and safety at work;

6. *Urges* States, when xenophobic or intolerant acts, or manifestations or expressions against migrants occur, to apply the existing laws in order to eradicate impunity for those who commit xenophobic and racist acts;

7. *Requests* Governments to adopt concrete measures in order to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints; to train public officials who work in those facilities and in border areas to treat migrants and their families respectfully and in accordance with the law; and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants and their families - inter alia arbitrary detention, torture and violations of the right to life, including extrajudicial executions - during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

8. *Encourages* States of origin and of destination of migrants to consider the adoption of bilateral or regional strategies aimed at protecting the human rights of migrants and their families, as a matter of priority and in conformity with the appropriate legislation, to combat effectively international trafficking and smuggling of migrants and to protect migrants and their families from exploitation and intimidation by traffickers, smugglers and criminal organizations, and urges States to consider signing and ratifying the United Nations Convention against Transnational Organized Crime and the two Protocols supplementing the Convention;

9. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access that put their lives and physical integrity at risk;

10. *Calls upon* all States to consider the possibility of signing, ratifying and acceding to, as a matter of priority, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

11. *Invites* the Special Rapporteur on the human rights of migrants to incorporate relevant information on the implementation of the present resolution in her next annual report to the Commission;

12. *Agrees* to explore the possibility at its fifth-ninth session of merging the resolution on the protection of migrants and their families with the resolution on the human rights of migrants, with a view to having one resolution covering all aspects of migrant rights and their protection.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/60. Missing persons

The Commission on Human Rights,

Guided by the purposes, principles and provisions of the Charter of the United Nations,

Guided also by the principles and norms of international humanitarian law, in particular the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, as well as international standards of human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), *Noting with deep concern* that armed conflicts continue to exist in various parts of the world, often resulting in serious violations of international humanitarian law and human rights law,

Noting in this regard that the issue of persons reported missing in connection with international armed conflicts, in particular those who are victims of serious violations of international humanitarian law and human rights law, continues to have a negative impact on efforts aimed at putting an end to these conflicts,

1. *Urges* States strictly to observe and respect and ensure respect for the rules of international humanitarian law, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

2. *Reaffirms* the right of families to know the fate of their relatives reported missing in connection with armed conflicts;

3. *Also reaffirms* that each party to an armed conflict, as soon as circumstances permit and at the latest from the end of active hostilities, shall search for the persons who have been reported missing by an adverse party;

4. *Calls upon* States which are parties to an armed conflict to take immediate steps to determine the identity and fate of persons reported missing in connection with the armed conflict;

5. *Requests* States to pay the utmost attention to cases of children reported missing in connection with armed conflicts and to take appropriate measures to search for and identify those children;

6. *Invites* States which are parties to an armed conflict to cooperate fully with the International Committee of the Red Cross in establishing the fate of missing persons and to adopt a comprehensive approach to this issue, including all practical and coordination mechanisms as may be necessary, based on humanitarian considerations only;

7. *Urges* States and encourages intergovernmental and non-governmental organizations to take all necessary measures at the national, regional and international levels to address the problem of persons reported missing in connection with armed conflicts and to provide appropriate assistance as requested by the concerned States;

8. *Invites* all relevant human rights mechanisms and procedures, as appropriate, to address the problem of persons reported missing in connection with armed conflicts in their forthcoming reports to the Commission;

9. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations;

10. *Also requests* the Secretary-General to report to the Commission at its sixtieth session on the progress made in the implementation of the present resolution;

11. *Decides* to remain seized of the matter at its sixtieth session.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/61. Human rights of persons with disabilities

The Commission on Human Rights,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, in order to promote a better quality of life, full employment, and conditions for economic and social progress and development,

Recalling that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, as laid down, inter alia, in the provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the 1983 Convention concerning vocational rehabilitation and employment (disabled persons) (No. 159) of the International Labour Organization,

Recalling also the report of the Secretary-General to the General Assembly on the third quinquennial review and appraisal of the World Programme of Action concerning Disabled Persons (A/52/351),

Reaffirming the continuing validity and value of the World Programme of Action, adopted by the General Assembly at its thirty-seventh session, which provides a firm and innovative framework for promoting and protecting the human rights of persons with disabilities,

Recalling and reaffirming commitments relating to the human rights and fundamental freedoms of persons with disabilities made at the major United Nations conferences and summits since 1990 and their follow-up processes and stressing the importance of mainstreaming the disability issue in their implementation,

Reaffirming its resolution 2000/51 of 25 April 2000,

Recalling General Assembly resolution 48/96 of 20 December 1993, by which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, *Noting* the resolution adopted by the Commission for Social Development on 21 February 2002 on a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities,

Committed to maintaining consistency with the high quality of existing international standards, and drawing the attention of the Ad Hoc Committee established in accordance with General Assembly resolution 56/168 of 19 December 2001 to Assembly resolution 41/120 of 4 December 1986 and to paragraph II.6 of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) reaffirming the guidelines relating to the elaboration of new international standards, notably on the need to consult with human rights treaty bodies on the necessity for drafting new standards,

Taking note of the final report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities for the period 2000-2002 (E/CN.5/2002/4),

Welcoming the resolution adopted by the Commission for Social Development on 27 February 2002 on further promotion of equalization of opportunities by, for and with persons with disabilities and protection of their human rights,

Welcoming also initiatives to hold international conferences relating to persons with disabilities,

Re-emphasizing the responsibility of Governments for removing or facilitating the removal of barriers and obstacles to the full integration and participation of persons with disabilities in society, and supporting their efforts to develop national policies to reach specific objectives,

Recognizing the contribution of non-governmental organizations, especially organizations of persons with disabilities, in the global effort to bring about full participation and equality for persons with disabilities and to ensure the full enjoyment of human rights by persons with disabilities,

Noting the International Labour Organization survey of the law and practice of States parties to Convention No. 159,

Noting with interest the adoption by the Organization of American States of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities on 7 June 1999 as one good example of regional concern and action,

Also noting with interest the changes brought about by the Treaty of Amsterdam of 1997 enabling the European Union to adopt appropriate measures to combat discrimination on the grounds, inter alia, of disability, *Concerned* at the extent of disabilities caused by the indiscriminate use of anti-personnel mines, particularly among civilian populations,

1. *Recognizes* that any violation of the fundamental principle of equality or any discrimination or other negative differential treatment of persons with disabilities inconsistent with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;

2. *Calls upon* the Secretary-General to maintain the integrity of programmes within the United Nations system relating to persons with disabilities, including the United Nations Voluntary Fund on Disability, in order to promote the rights and the equalization of opportunities and full inclusion within societies of persons with disabilities;

3. *Welcomes* the valuable work undertaken by the Special Rapporteur on disability of the Commission for Social Development as well as his report to that Commission at its fortieth session and supports his recommendations for future action and his proposal for mainstreaming of the disability issue;

4. *Invites* the Special Rapporteur to address the Commission on Human Rights at its fifty-ninth session on the human rights dimension of his work and also invites him to regularly provide the Commission with reports of experience on the human rights dimension gained by him and his panel through monitoring the Standard Rules;

5. *Recalls* the third global survey undertaken by the office of the Special Rapporteur on disability in collaboration with the World Health Organization;

6. *Calls upon* States to cooperate fully with the Special Rapporteur to meet his requests for information and to provide relevant data to the Committee on Economic, Social and Cultural Rights;

7. *Welcomes* the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights and draws the attention of Governments, United Nations bodies, non-governmental organizations and other relevant actors to its recommendations;

8. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to consider in its activities implementing the recommendations that relate to it in the Study on Human Rights and Disability;

9. *Urges* Governments to consider nominating persons with disabilities for election to the treaty monitoring bodies, bearing in mind relevant existing considerations for nominations to treaty monitoring bodies;

10. *Takes note with interest* of General Assembly resolution 56/168 establishing an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities;

11. *Recommends* that the Ad Hoc Committee take into account the relationship between the relevant human rights instruments and the Standard Rules and in so doing study carefully the report and proposals made by the Special Rapporteur on disability of the Commission for Social Development at the fortieth session of that Commission;

12. *Requests* the Office of the High Commissioner to make available to the Ad Hoc Committee the study on the human rights of persons with disabilities presented at the fifty-eighth session of the Commission on Human Rights;

13. *Invites* States, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies, the regional commissions, the Special Rapporteur on disability of the Commission for Social Development, as well as intergovernmental and non-governmental organizations with an interest in the matter, to make contributions to the work entrusted to the Ad Hoc Committee, based on the practice of the United Nations;

14. *Encourages* the Ad Hoc Committee to invite national institutions to make a contribution to the consideration of the issues addressed by the Ad Hoc Committee;

15. *Also encourages* the Ad Hoc Committee to adopt working methods which allow for full participation by relevant non-governmental organizations in its deliberations;

16. *Invites* the Ad Hoc Committee to consider meeting at least once in Geneva before the fifty-ninth session of the Commission on Human Rights and periodically thereafter, and to make an interim progress report to the Commission at that session;

17. *Notes with appreciation* the decision of the Office of the High Commissioner to designate a focal point within the Office whose primary purpose will be to follow questions relating to the human rights of persons with disabilities;

18. *Calls upon* the Office of the High Commissioner to report to the Commission on Human Rights at its fifty-ninth session on progress in the implementation of the recommendations contained in the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights and on the programme of work of the Office in relation to the human rights of persons with disabilities;

19. *Encourages* non-governmental organizations active in the promotion and protection of the human rights of persons with disabilities to cooperate closely with each other and to provide relevant information to the Committee on Economic, Social and Cultural Rights and to the Office of the High Commissioner;

20. *Also encourages* such non-governmental organizations to avail themselves of the technical assistance of the Office of the High Commissioner for Human Rights to assist them to function effectively in the human rights sphere and encourages Governments to support them in accordance with rule 18 of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

21. *Recognizes* the right of persons with disabilities, individually and collectively, to form and become members of organizations of persons with disabilities and the right of such organizations to speak for and act as legitimate representatives of their members;

22. *Invites* all the human rights treaty monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure full enjoyment of those rights by persons with disabilities and to include disability issues, as appropriate, in their preparation of lists of issues and concluding observations and to consider drafting general comments on human rights of persons with disabilities, in addition to General Comment No. 5 (1994) on persons with disabilities of the Committee on Economic Social and Cultural Rights which could serve as a mainstreaming model on disability issues;

23. *Urges* Governments to cover fully the question of the human rights of persons with disabilities in complying with reporting obligations under the relevant United Nations human rights instruments;

24. *Invites* all special rapporteurs, in carrying out their mandates, to take into account the situation and human rights of persons with disabilities;

25. *Urges* Governments to implement, with the cooperation and assistance of relevant organizations, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, having particular regard for the needs of women, children and persons with developmental and psychiatric disabilities in order to guarantee their human dignity and integrity;

26. *Invites* Governments, civil society and the private sector to contribute to the United Nations Voluntary Fund on Disability, with a view to providing additional support for the implementation of the Standard Rules, within the context of the World Programme of Action concerning Disabled Persons;

27. *Requests* the Secretary-General to continue to ensure appropriate support for the effective functioning of the Long-Term Strategy to Implement the World Programme of Action concerning Disabled Persons to the Year 2000 and Beyond;

28. *Expresses grave concern* that situations of armed conflict have especially devastating consequences for the human rights of persons with disabilities;

29. *Welcomes* increased international efforts in various forums with respect to anti-personnel mines, and in this regard takes due note of the conclusion and entry into force of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, as well as of the amended Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects;

30. *Calls upon* all States and relevant United Nations bodies, including the Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts, and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and rehabilitation, thereby reducing the number and the plight of victims;

31. *Encourages* the development of programmes for persons with disabilities to enable them to develop their potential to participate fully in all aspects of society;

32. *Requests* the Secretary-General to report annually to the General Assembly on the progress of efforts to ensure the full recognition and enjoyment of the human rights of persons with disabilities;

33. *Also requests* the Secretary-General to transmit to the Commission at its fifty-ninth session the latest report of the Special Rapporteur on disability of the Commission for Social Development on his monitoring of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities;

34. *Calls upon* the United Nations Development Programme and all intergovernmental institutions for development cooperation to integrate disability measures into their mainstream activities and to reflect this in their activity reports;

35. *Requests* all United Nations organizations and specialized agencies to address the problems that exist in creating equal opportunities for persons with disabilities at all levels and to report on how these problems are being solved;

36. *Encourages* Governments to work towards developing appropriate education policies and practices for children and adults with disabilities, to include persons with disabilities in strategies and plans aimed at eradicating poverty, promoting education and enhancing employment, and to take account of the right of persons with disabilities to housing, health care, shelter, transport and supportive equipment;

37. *Invites* the International Labour Organization, in cooperation with Governments and intergovernmental bodies, to take the lead internationally in formulating policies and strategies that will lead to equal job opportunities;

38. *Invites* Governments and non-governmental organizations to collect and collate appropriate information and data on the situation of persons with disabilities to assist in the formulation of effective policies to address issues of equality;

39. *Recommends* that the Office of the United Nations High Commissioner for Human Rights take account of information on legislation affecting the human rights of persons with disabilities which has been collected by the Special Rapporteur on disability of the Commission for Social Development;

40. *Invites* multilateral development agencies, in the light of the Standard Rules, to pay due regard to the question of access and related disability rights issues in connection with the projects they sponsor and fund;

41. *Reaffirms* its commitment to ensuring that the human rights of persons with disabilities and their concerns for full participation in all aspects of society continue to be addressed in all of its work;

42. *Decides* to continue its consideration of this question at its fifty-ninth session under the same agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XIV.]

2002/62. Human rights of migrants

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant,

Bearing in mind that every State party to the International Covenant on Economic, Social and Cultural Rights has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including in particular on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women,

Recalling the renewed commitment made in the United Nations Millennium Declaration to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in all societies and to promote greater harmony and tolerance, *Welcoming* the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling General Assembly resolution 40/144 of 13 December 1985, by which it approved the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Aware of the increasing number of migrants worldwide,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, inter alia, to their absence from their State of origin and to the difficulties they encounter because of differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants, especially for those who are undocumented or in an irregular migratory situation, to their States of origin,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Recognizing the positive contributions that migrants frequently make, including through their eventual integration into their host society, and the efforts that some host countries undertake to integrate migrants,

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in the countries in which they find themselves, in order to eliminate manifestations of racism and xenophobia against migrants,

Welcoming the active role played by governmental and non-governmental organizations in combating racism and xenophobia and assisting individual victims of racist acts, including migrant victims,

Taking note of the judgment of the International Court of Justice of 27 June 2001 and of the advisory opinion OC-16/99 issued by the Inter-American Court of Human Rights of 1 October 1999 on the right to information on consular assistance in the framework of the guarantees of due process of law, in the case of foreign nationals detained by the authorities of a receiving State,

Bearing in mind the mandate of the Special Rapporteur on the human rights of migrants contained in its resolution 1999/44 of 27 April 1999, *Encouraged* by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them;

2. *Also strongly condemns* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

3. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migratory condition, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant human rights instruments, norms and standards;

4. *Calls upon* States to implement fully the commitments and recommendations related to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action;

5. *Also calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and to provide specialized training for government policy-making and law enforcement, migration and other concerned officials, thus underlining the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

6. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations, particularly with regard to the right of foreign nationals, regardless of their immigration status, to communicate with a consular official of their own State in the case of detention, and the obligation of the State in whose territory the detention occurs to inform the foreign national of that right;

7. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants, including by individuals or groups;

8. *Encourages* States that have not yet done so to enact domestic legislation and to take further effective measures to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual exploitation or forced labour, and also encourages them to strengthen international cooperation to combat such trafficking and smuggling;

9. *Calls upon* States to protect all human rights of migrant children, particularly unaccompanied migrant children, ensuring that the best interests of the children are the paramount consideration, and underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations to strengthen their protection;

10. *Welcomes* immigration programmes adopted by some countries that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious and tolerant environment, and encourages States to consider the possibility of adopting these types of programmes;

11. *Encourages* States to consider participating in international and regional dialogues on migration that include sending and receiving countries, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers in the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

12. *Welcomes* the third report of the Special Rapporteur on the human rights of migrants (E/CN.4/2002/94 and Add.1) submitted pursuant to Commission resolution 2001/52 of 24 April 2001, especially regarding the work she has undertaken, and takes note of her observations and recommendations;

13. *Decides* to extend for a period of three years the mandate of the Special Rapporteur and encourages her to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights of persons belonging to this large vulnerable group, including obstacles to and difficulties for the return of migrants who are undocumented or in an irregular situation, in conformity with her mandate as contained in Commission resolution 1999/44;

14. *Requests* the Special Rapporteur, in carrying out her mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of migrants, wherever they may occur, from Governments, treaty bodies, specialized agencies and the special mechanisms of the Commission, as well as from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

15. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

16. *Requests* the Special Rapporteur, as part of her activities, to continue her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all the aspects of her mandate;

17. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable her to fulfil her mandate effectively, and notes with appreciation that some Governments have already invited her;

18. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to her urgent appeals;

19. *Requests* the Special Rapporteur to take into account, while carrying out her mandate, the recommendations on migrants contained in the Durban Declaration and Programme of Action;

20. *Also requests* the Special Rapporteur, in carrying out her mandate, to take into account bilateral and regional negotiations which aim at addressing, inter alia, the return and reinsertion of migrants who are undocumented or in an irregular situation;

21. *Further requests* the Special Rapporteur to submit a report on her activities to the General Assembly at its fifty-seventh session and to the Commission at its fifty-ninth session;

22. *Requests* the Secretary-General to give the Special Rapporteur all necessary human and financial assistance for the fulfilment of her mandate;

23. *Calls upon* States, intergovernmental and non-governmental organizations to observe on 18 December of each year International Migrants Day, proclaimed by the General Assembly, by disseminating, inter alia, information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, and by sharing experiences, and adopting measures to ensure their protection and to promote greater harmony between migrants and the societies in which they live;

24. *Urges* States to ratify or to adhere to the United Nations Convention against Transnational Organized Crime and its two additional protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and fully to implement those instruments;

25. *Decides* to examine this question further, as a matter of priority, at its fifty-ninth session under the same agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See Chap. XIV.]

2002/63. Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Recalling its previous resolutions on the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People, in particular resolution 1997/32 of 11 April 1997,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Mindful of the decision by the General Assembly in its resolution 49/214 of 23 December 1994 to observe the International Day of the World's Indigenous People on 9 August every year,

I. REPORT OF THE WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

1. *Takes note* of the report of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40) and of the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17);

2. *Urges* the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions, noting that at its twentieth session the Working Group will continue to focus on the theme of "Indigenous peoples and their right to development, including their right to participate in development affecting them" and invites Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data on this theme to the Working Group at its twentieth session;

3. *Again invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. *Recommends* that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-fourth session of the Sub-Commission;

5. *Invites* the Working Group to continue its consideration of ways in which the expertise of indigenous people can contribute to the work of the Working Group, and encourages initiatives by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. *Requests* the Secretary-General:

(*a*) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(*b*) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

7. *Notes* General Assembly resolution 56/140 of 19 December 2001, which expanded the mandate of the United Nations Voluntary Fund for Indigenous Populations to assist representatives of indigenous communities and organizations in attending the sessions of the Permanent Forum on Indigenous Issues, and appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the Fund, if possible with a substantial increase in the level of contributions;

II. INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

8. *Takes note* of the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People (E/CN.4/2002/96);

9. *Invites* the Working Group on Indigenous Populations to continue its review of activities undertaken during the Decade and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

10. *Welcomes* the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people;

11. *Welcomes* the convening of the first annual session of the Permanent Forum on Indigenous Issues at United Nations Headquarters from 13 to 24 May 2002 and encourages all parties concerned, including all mechanisms, procedures and programmes of the United Nations concerned with indigenous issues, to secure, from within existing resources, an adequately funded and well-functioning Forum that reflects its broad mandate, including through the provision of adequate secretariat support;

12. *Requests* the High Commissioner, in her capacity as Coordinator of the Decade, to submit an updated annual report reviewing activities within the United Nations system under the programme of activities for the Decade to the Commission on Human Rights at its fifty-ninth session under the agenda item entitled "Indigenous issues", in accordance with the request by the General Assembly to the Secretary-General;

13. *Notes* that, in her report, the High Commissioner, in her capacity as Coordinator of the Decade, reviews the implementation of the programme of activities of the Decade, takes note of the information contained therein about the activities of the United Nations system, including the specialized agencies, and other intergovernmental activities relating to indigenous people and urges all parties concerned to intensify their efforts to achieve the goals of the Decade;

14. *Emphasizes* the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

15. *Appeals* to all Governments, organizations and individuals in a position to do so to support the Decade by contributing to the Voluntary Fund for the International Decade of the World's Indigenous People;

16. *Encourages* Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(*a*) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(*b*) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(*c*) Identifying resources for activities designed to implement the goals of the Decade;

17. *Appeals* to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

18. *Encourages* Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

19. *Requests* the High Commissioner to ensure that the indigenous people's unit in the Office of the United Nations High Commissioner for Human Rights is adequately staffed and resourced to enable the activities of the Decade to be effectively implemented;

20. *Recommends* that the High Commissioner, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. *Encourages* the High Commissioner to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. *Takes note* of the report of the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights entitled "Study on treaties, agreements and other constructive arrangements between States and indigenous populations" (E/CN.4/Sub.2/1999/20) and requests the High Commissioner to seek information from Governments, non-governmental organizations and indigenous people's organizations on the report and the broader issues it raises, and to submit a report to the Commission at its fifty-ninth session on the views expressed as a basis for a decision by the Commission on a possible seminar;

23. *Invites* the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedure of their governing bodies:

(*a*) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(*b*) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(*c*) To designate focal points or other mechanisms for coordination with the High Commissioner of activities relating to the Decade and commends those organizations that have already done so;

24. *Recommends* that the situation of indigenous people be taken into account in forthcoming United Nations conferences of relevance, including the special session of the General Assembly on Children and the World Summit on Sustainable Development;

25. *Recalls* the recommendation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that the Secretary-General conduct an evaluation of the results of the Decade and make recommendations concerning how to mark the end of this Decade, including an appropriate follow-up, and requests the Secretary-General to begin the implementation of this evaluation;

26. *Takes note* of Economic and Social Council decision 2001/316 of 26 July 2001 requesting the Secretary-General to seek information from Governments, non-governmental organizations, indigenous people's organizations, the Permanent Forum and all existing mechanisms, procedures and programmes within the United Nations concerned with indigenous issues, including the Working Group on Indigenous Populations, as a basis for holding the review mandated in paragraph 8 of Council resolution 2000/22 of 28 July 2000 as soon as possible and not later than the substantive session of 2003 of the Council;

27. *Decides* to consider the International Decade of the World's Indigenous People at its fifty-ninth session under the agenda item entitled "Indigenous issues".

55th meeting
25 April 2002
[Adopted without a vote. See chap. XV.]

2002/64. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended intersessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. *Takes note* of the report of the working group (E/CN.4/2002/98) and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. *Expresses its appreciation* for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. *Welcomes* the decisions of the Council approving the participation of organizations of indigenous people in the work of the working group and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. *Recommends* that the working group meet for 10 working days prior to the fifty-ninth session of the Commission, the cost of the meeting to be met from within existing resources;

5. *Invites* the Chairperson-Rapporteur of the working group and all interested parties to conduct broad informal intersessional consultations with a view to facilitating progress in drafting a declaration on the rights of indigenous people at the next session of the working group;

6. *Encourages* all interested States to participate in an informal intersessional meeting to consider the clusters of articles referred to in paragraph 83 of the report of the working group and requests the Chairperson-Rapporteur of the working group to ensure that the outcome of this informal intersessional meeting is made available to all interested parties prior to the next session of the working group;

7. *Encourages* organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

8. *Requests* the working group to submit a progress report for consideration by the Commission at its fifty-ninth session under the agenda item entitled "Indigenous issues";

9. *Recommends* the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 26.]

55th Meeting
25 April 2002
[Adopted without a vote. See chap. XV.]

2002/65. Human rights and indigenous issues

The Commission on Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter of the United Nations, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, *Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights, that all are entitled to equal protection against any discrimination and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour, sex, language, religion, national origin, birth or other status,

Recalling the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169), of the International Labour Organization,

Guided by the relevant norms and standards of international human rights law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women,

Bearing in mind the recommendations of the World Conference on Human Rights held in Vienna in June 1993,

Welcoming the provisions relevant to this resolution contained in the Durban Declaration and the Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I) on 8 September 2001, in Durban, South Africa,

Being attentive to the developments of the working group of the Commission to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994,

Recalling that the objective of the International Decade of the World's Indigenous People is the strengthening of international cooperation for the solution of the problems they face in areas such as human rights, the environment, development, education and health,

Underlining the importance of concluding, at the latest in 2004, the "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly, prior to the conclusion of the International Decade of the World's Indigenous People,

Noting with satisfaction that the Permanent Forum on Indigenous Issues, a subsidiary organ of the Economic and Social Council, will hold its first annual session in May 2002 and recalling that the mandate of the Permanent Forum consists of discussing indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights, *Taking into account* the mandate of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights to review developments pertaining to the promotion and protection of their human rights and fundamental freedoms, giving special attention to the evolution of standards concerning their rights,

Recalling its resolution 2001/57 of 24 April 2001,

Deeply concerned about the precarious levels of economic and social development that indigenous people endure in many parts of the world, and the disparities in their situation in comparison to the overall population, as well as about the persistence of grave violations of their human rights,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous people,

Encouraged by the renewed commitment and growing interest of the international community in the full and effective protection of the human rights of indigenous people,

1. *Welcomes* the first report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2002/97 and Add.1), submitted pursuant to Commission resolution 2001/57, especially the outline of his future programme of work;

2. *Encourages* the Special Rapporteur to continue to examine ways and means of overcoming existing obstacles to the full and effective protection of the human rights and fundamental freedoms of indigenous people, in conformity with his mandate as contained in Commission resolution 2001/57;

3. *Requests* the Special Rapporteur in performing his work, to consider the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on matters concerning his mandate;

4. *Also requests* the Special Rapporteur, in carrying out his mandate and within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, to request, receive and exchange information on violations of the human rights of indigenous people, wherever they may occur, from Governments, United Nations human rights treaty bodies, specialized agencies, special mechanisms of the Commission and Sub-Commission on the Promotion and Protection of Human Rights, as well as from intergovernmental organizations, other relevant organizations of the United Nations system and civil society, including indigenous organizations, and to respond effectively to such information;

5. *Further requests* the Special Rapporteur to continue working on the topics included in his first report, in particular, those that impact on the situation of the human rights and fundamental freedoms of indigenous people, which may contribute to advancing the debate on fundamental issues of the "Draft United Nations declaration on the rights of indigenous peoples";

6. *Invites* the Special Rapporteur, in carrying out his task, to take into account all the recommendations of the Permanent Forum on Indigenous Issues and of the Working Group on Indigenous Populations of the Sub-Commission relevant to his mandate;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights to facilitate the attendance of the Special Rapporteur at the first annual session of the Permanent Forum on Indigenous Issues to be held at United Nations Headquarters from 13 to 24 May 2002;

8. *Reiterates* the invitation to the Special Rapporteur to pay special attention to violations of the human rights and fundamental freedoms of indigenous children and women, and to take into account a gender perspective;

9. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to react promptly to his urgent appeals;

10. *Welcomes* the intention of the Special Rapporteur to conduct visits in the discharge of his mandate and encourages Governments to respond positively to a request to visit their country;

11. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, Governments, independent experts, interested institutions, non-governmental organizations and, in particular, indigenous people to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his mandate;

12. *Urges* those States that have not yet done so to consider, as a matter of priority, signing, ratifying or acceding to the 1989 Convention concerning indigenous and tribal peoples in independent countries (No. 169);

13. *Urges* all States, in this context, to fulfil the commitments relevant to this resolution made in the Durban Declaration and the Programme of Action;

14. *Requests* the Special Rapporteur to submit a report on his activities to the Commission at its fifty-ninth session;

15. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human, technical and financial assistance to the Special Rapporteur for the fulfilment of his mandate;

16. *Decides* to consider the follow-up to this question, as a matter of priority, at its fifty-ninth session, under the same agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XV.]

2002/66. The work of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights,

Recalling its previous relevant resolutions, in particular 1998/28 of 17 April 1998, 1999/81 of 28 April 1999, 2000/83 of 26 April 2000 and 2001/60 of April 2001, as well as the terms of reference of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on the Prevention of Discrimination and Protection of Minorities) as set out in the relevant resolutions of the Commission on Human Rights, the Economic and Social Council, and the General Assembly,

Recalling also the report of the Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112), and reaffirming Commission decision 2000/109 of 26 April 2000,

Taking note of:

(*a*) The report of the Sub-Commission on its fifty-third session (E/CN.4/2002/2-E/CN.4/Sub.2/2001/40);

(*b*) The report of the Chairperson of the Sub-Commission on its fifty-third session (E/CN.4/2002/99 and Corr.1),

Bearing in mind the final working paper on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1999/2) and the Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto, annexed to Sub-Commission decision 1999/114 of 26 August 1999,

1. *Reaffirms* its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission, to the human rights work of the United Nations over the past fifty-five years;

2. *Recognizes* in particular the important contribution of the Sub-Commission and its thematic mechanisms to the development of a better understanding of human rights through the study of important issues, the elaboration of international human rights standards and the promotion and protection of human rights throughout the world, as well as the valuable contribution that Governments, intergovernmental organizations and non-governmental organizations have made to the success of the Sub-Commission;

3. *Reaffirms* that the Sub-Commission can best assist the Commission by providing it with:

(*a*) Independent expert studies carried out by its members or alternates;

(*b*) Recommendations based on, and after full consideration of, these studies;

(*c*) Studies, research and expert advice at the request of the Commission;

4. *Welcomes* the actions taken by the Sub-Commission at its fifty-third session to respond to recommendations by the Commission for the initiation of working papers and new studies;

5. *Also welcomes* the attention given by the Sub-Commission to economic, social and cultural rights, as well as its continued attention to civil and political rights;

6. *Further welcomes* the improved working methods of the Sub-Commission at its fifty-third session at which it:

(*a*) Reformed, improved and streamlined its agenda to seven items;

(*b*) Held a closed joint meeting with the expanded Bureau of the fifty-seventh session of the Commission;

(*c*) Drafted many of its resolutions in closed session rather than attempting to do so in public sessions;

(*d*) Pursued other innovative and useful procedural approaches, in particular the use of the "question-and-answer" format and some expert panel discussions;

7. *Decides* not to endorse the proposal of the Sub-Commission contained in its draft decision 8 (see E/CN.4/2002/2-E/CN.4/Sub.2/2001/40, chap. I) that the Commission take action on proposals of the Sub-Commission at its one-day annual informal meeting in September and requests the Office of the United Nations High Commissioner for Human Rights to report to the Commission at its fifty-ninth session on possible ways and means of addressing the issues raised by the Sub-Commission and of improving the Commission's action on proposals of the Sub-Commission;

8. *Reiterates and reaffirms:*

(*a*) Its decision that the Sub-Commission should not adopt country-specific resolutions or decisions and, in negotiating and adopting thematic resolutions or decisions, should refrain from including references to specific countries;

(*b*) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission;

9. *Recommends* to the Sub-Commission that it continue at its future sessions the successful innovations of the fifty-third session, in particular by:

(*a*) Having annual closed meetings with the expanded Bureau of the fifty-eighth and subsequent sessions of the Commission, so as to exchange views aimed at improving cooperation between the two organs;

(*b*) Maintaining a streamlined agenda;

(*c*) Holding its discussions of its working rules, procedures and timetable in closed meeting;

(*d*) Drafting as many of its resolutions as possible in closed session, in view of the limited time available;

10. *Also recommends* that the Sub-Commission further improve its methods of work by:

(*a*) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(*b*) Giving particular attention to the selection of studies specifically recommended by the Commission and at the same time focusing on how and when the implementation of existing standards can be improved;

(*c*) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts which would affect confidence in the independence of its members;

(*d*) Facilitating efficient and effective participation of non-governmental organizations;

(*e*) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(*f*) Taking further steps to accomplish its work within a three-week session;

(*g*) Making proposals to the Commission on how it might assist the Sub-Commission in improving its work and vice versa;

(*h*) Focusing strictly on questions relating to human rights in accordance with its mandate;

(*i*) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms;

11. *Requests* States when nominating and electing members and alternates to the Sub-Commission:

(*a*) To be conscious of the strong concern to ensure that the body is independent and is seen to be so;

(*b*) To keep in mind the need for a balanced accommodation of the benefits of continuity and the importance of renewal;

(*c*) To select members with acknowledged expertise in human rights; and

(*d*) To submit nominations, if possible, at least two months prior to the beginning of the session at which they will be elected, so as to enable the members of the Commission thoroughly to assess the qualifications and the independence of the nominees;

12. *Invites* the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in good time before each session in the official languages of the United Nations and assisting the Sub-Commission in requests for information from Governments and intergovernmental and non-governmental organizations, and reiterates that such requests, like all requests for concrete measures, must first have been approved by the Commission;

13. *Recommends* that the Chairperson of the Sub-Commission or his/her representative attend the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission and the meeting of chairpersons of treaty bodies, so as to facilitate coordination between the Sub-Commission and other relevant bodies and procedures of the United Nations, in accordance with their respective mandates;

14. *Invites* the Chairperson of the fifty-eighth session of the Commission to address the Sub-Commission at the opening meeting of its fifty-fourth session and to inform it about the present resolution and the debate that took place on this subject at the fifty-eighth session of the Commission under agenda item 16;

15. *Invites* the Chairperson of the fifty-fourth session of the Sub-Commission to report to the Commission at its fifty-ninth session, including an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms have worked in practice;

16. *Decides* to consider the issue of the work of the Sub-Commission at its fifty-ninth session under the relevant agenda item.

55th meeting
25 April 2002
[Adopted without a vote. See chap. XVI.]

2002/67. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recognizing that the systematic violations of civil, political, economic, social and cultural rights by the Government of Myanmar have a significant adverse effect on the health and welfare of the people of Myanmar and are at the heart of a precarious humanitarian situation,

Aware that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government and therefore gravely concerned that the Government of Myanmar still has not implemented its commitment to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Recalling the observation made by the Special Rapporteur that only the full release of all political prisoners will pave the way to national reconciliation and the establishment of the rule of law leading to the democratization process,

Mindful that Myanmar is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Geneva Conventions of 12 August 1949 on the protection of victims of war, as well as the 1930 Convention concerning forced or compulsory labour (No. 29) and the 1948 Convention concerning freedom of association and protection of the right to organize (No. 87) of the International Labour Organization,

Recalling resolution I adopted by the International Labour Conference at its eighty-eighth session, on 14 June 2000, concerning the practice of forced or compulsory labour in Myanmar,

Recalling also previous resolutions of the General Assembly and the Commission on the subject, most recently Assembly resolution 56/231 of 24 December 2001 and Commission resolution 2001/15 of 18 April 2001,

Welcoming the cooperation extended to the Special Envoy of the Secretary-General as well as to the Special Rapporteur during their visits to Myanmar,

1. *Expresses its appreciation* for the assistance and collaboration that the Government of Myanmar has extended to the Special Rapporteur during his mission and urges it to continue cooperating with the Special Rapporteur and other relevant United Nations mechanisms, to allow them freely to carry out other missions on the ground and to implement their recommendations fully, especially those contained in the report of the Special Rapporteur (E/CN.4/2002/45);

2. *Welcomes:*

(*a*) The report of the Special Rapporteur on the situation of human rights in Myanmar, the observations on the situation and the recommendations contained therein;

(*b*) The report of the Secretary-General on the visit of his Special Envoy to Myanmar (A/56/505), his actions and good offices to facilitate the process of national reconciliation;

(*c*) The contacts between the Government and Aung San Suu Kyi, Secretary-General of the National League for Democracy, and hopes that such talks will be extended at an appropriate time to include, among others, representatives of ethnic minorities and thereby facilitate broad-based and inclusive national reconciliation and the restoration of democracy;

(*d*) The steps taken by the Government of Myanmar to allow some political functions to be resumed by the opposition, including the reopening of some branch offices of political parties and the cessation of the negative media campaign, but expresses deep concern at the unnecessary and discriminatory stringent restrictions that continue to hamper political parties' freedom of assembly, association, expression, information and movement, as noted by the Special Rapporteur;

(*e*) The release from detention of some political activists, and urges the Government of Myanmar to free all remaining political prisoners, to ensure their personal safety and allow them to take part in the process of national reconciliation;

(*f*) The ongoing ceasefires in some areas of the country, and calls upon the Government of Myanmar to formalize these agreements and pursue promises of political dialogue and urges the authorities and all parties in conflict to continue resolving their differences through political dialogue;

(*g*) Continued cooperation with the International Committee of the Red Cross in carrying out humanitarian missions involving visiting places of detention and communication with detainees, and expresses the hope that it will continue and develop further;

(*h*) The release from detention of some women with small children on humanitarian grounds;

(*i*) The reopening of all institutes of tertiary education, but remains concerned that enjoyment of the right to education continues to be limited, often for political reasons, by the reduction in the length of the academic year, the division of the student population and its dispersal to distant campuses, the lack of teachers, and inadequate material support from the Government, which seriously affects the future prospects for young people, and the inadequate allocation of resources;

(*j*) The dissemination of human rights standards for public officials through a series of human rights workshops, and encourages the Government of Myanmar to widen participation in these workshops to ensure that this information, and its practical implementation, can benefit all citizens of Myanmar;

(*k*) The understanding reached between the Government and the International Labour Organization concerning the appointment of an International Labour Organization liaison officer in Myanmar by June 2002, which will serve as a first step towards the establishment of a full and effective representation by the this organization in Myanmar;

(*l*) The launching of the United Nations joint plan of action on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) in Myanmar;

3. *Takes note* of the establishment of a committee on human rights, leading to the establishment of a national human rights commission, and urges that the Commission comply with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) annexed to General Assembly resolution 48/134 of 20 December 1993;

4. *Expresses its grave concern*:

(*a*) At the slow pace of the process of national reconciliation and democratization in Myanmar and urges greater momentum towards national reconciliation;

(*b*) At the persistence of a governmental policy based on the repression of all political activities of opposition and on the abuse of the legal system through arbitrary detention, imprisonment and systematic surveillance of persons who try to exercise their freedom of thought, expression, assembly and association and harassment of their families, as well as the lack of respect for and protection of freedom, health, education and human development of the population;

(*c*) At the composition and working procedures of the National Convention that do not permit either members of Parliament-elect or representatives of the ethnic minorities to express their views freely and urges the Government of Myanmar to intensify political dialogue and the confidence-building measures, both with the opposition and with all the ethnic groups, to search for new procedures to allow the promotion of a real national reconciliation based on cooperation and the adoption of joint measures, and to establish a chronological framework for so doing;

(*d*) At the keeping of Aung San Suu Kyi under de facto house arrest and other members of the National League for Democracy in prison, and urges the Government of Myanmar to release them immediately and unconditionally and allow them to exercise their freedom of association, movement and expression;

(*e*) At the imprisonment of elected members of Parliament for peacefully exercising their freedom of assembly, association and expression;

(*f*) At the fact that there was only very modest improvement in the eradication of forced labour since, in spite of the official prohibition, there have been only uneven efforts to disseminate order 1/99 and the supplementary orders among the population, since the orders have not been observed by the military at the local level and since, in spite of widespread instances of forced labour, there have been no criminal prosecutions;

(*g*) At the persistence of grave and massive violations of human rights of civilians, especially in areas where the military conflict is still ongoing between the army and the armed groups in the States of Shan, Karen and Karenni, and urges all the parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including children, women and persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services offered by impartial humanitarian bodies;

(*h*) At the ever-increasing impact of HIV/AIDS on the population of Myanmar and urges the Government of Myanmar to recognize further the gravity of the situation, the need to commit adequate resources and the need to take measures, in cooperation with the National League for Democracy, ethnic groups, non-governmental organizations and women's groups, in particular preventive measures, to fight this epidemic including through the effective implementation of the United Nations Joint Action Plan which must reach the communities that are most affected by HIV/AIDS and therefore more vulnerable to it;

(*i*) At the deeply unsatisfactory conditions which still exist in prisons, labour camps and other detention centres in Myanmar as reported by the Special Rapporteur, such as cruel and degrading treatment, lack of medical assistance, inadequate nutrition, prolonged solitary confinement and detention in excessively small cells, the discriminatory treatment of political prisoners, as well as the high mortality rate among labour camp inmates;

5. *Deplores*:

(*a*) The continuing pattern of gross and systematic violations of human rights in Myanmar, including extrajudicial, summary or arbitrary executions, enforced disappearances, rape, torture, inhuman treatment, forced labour, including the use of children, forced relocation and denial of freedom of assembly, association, expression, religion and movement;

(*b*) The lack of independence of the judiciary from the executive and the wide disrespect for the rule of law, including for the basic guarantees of due process, especially in cases involving the exercise of political and civil rights and freedoms resulting in arbitrary arrests and detentions, the absence of judicial control over detentions, sentences passed without trial, keeping the accused in ignorance of the legal basis of the charge brought against them, trials held in secret and without proper legal representation of the accused, continued instances of detention and sentencing of people for political offences, the failure to inform the family and counsel of the accused about the sentence, and arbitrary extension of completed sentences;

(*c*) The continued violations of the human rights of, and widespread discriminatory practices against, persons belonging to ethnic and religious minorities, including extrajudicial execution, rape, torture, ill-treatment and the systematic programmes of forced relocation directed against ethnic minorities, notably in Karen, Karenni, Rakhine, Chin and Shan States and in Tenasserim Division, destruction of places of worship, use of anti-personnel landmines, destruction of crops and fields and dispossession of land and property, which deprive these persons of all means of subsistence and result in large-scale displacement of persons and flows of refugees to neighbouring countries and an increasing number of internally displaced persons;

(*d*) Reports of restrictions on the exercise of freedom of religion, such as the restriction on the building of new mosques and churches and forced conversions, notably of Muslims in Rakhine State and Christians in Chin State;

(*e*) The continuing violations of the human rights of women, in particular forced labour, trafficking, sexual violence and exploitation and abuse in detention, often committed by military personnel and especially directed towards women who are returning refugees, internally displaced, or belong to ethnic minorities or the political opposition;

(*f*) The continuing violations of the rights of children in Myanmar, in particular through the lack of conformity of the existing legal framework with the Convention on the Rights of the Child, conscription of children into forced labour programmes, sexual exploitation of children and their recruitment and other forms of exploitation by the military, discrimination against children belonging to ethnic and religious minorities, and high rates of infant and maternal mortality and malnutrition;

(*g*) The severe restrictions on the freedoms of opinion, expression, assembly and association, the restrictions on citizens' access to information, including censorship of all forms of domestic media and many international publications, and the restrictions imposed on citizens wishing to travel within the country and abroad including the denial of passports on political grounds, and gross interference in private life, family, home and correspondence;

(*h*) The situation of the large number of internally displaced persons and reaffirms the need to give them the necessary protection and assistance and urges the Government to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies;

6. *Calls upon* the Government of Myanmar:

(*a*) To develop further a constructive dialogue with the United Nations system, including the human rights mechanisms, for the effective promotion and protection of human rights in the country;

(*b*) To continue to cooperate with the Secretary-General and his Special Envoy and to implement their recommendations fully;

(*c*) To cooperate fully with all United Nations representatives, in particular to develop further the contacts established with the Special Rapporteur, to allow him freely to return to Myanmar and to conduct field missions, thereby furthering his contacts with the Government and all other relevant sectors of society and enabling him fully to discharge his mandate;

(*d*) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees and its Protocol;

7. *Strongly urges* the Government of Myanmar:

(*a*) To implement fully the recommendations made by the Special Rapporteur;

(*b*) To ensure full respect for all human rights and fundamental freedoms, including economic, social and cultural rights, in particular to ensure full respect for the freedoms of expression, religion, association, movement and assembly, the right to a fair trial by an independent and impartial judiciary, and the protection of the rights of persons belonging to ethnic and religious minorities;

(*c*) To put an end to violations of the right to life and integrity of the human being and to the practices of torture, abuse of women, forced labour and forced relocations, enforced disappearances and summary executions;

(*d*) To fulfil its obligations to restore the independence of the judiciary and due process of law, to end impunity and bring to justice all perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged breaches of international humanitarian and human rights law committed by government agents in all circumstances;

(*e*) To recognize the political rights of members of all political parties, to allow the National League for Democracy and all other political parties to participate in the democratic process and to enter into a substantive political dialogue with them in order to accelerate the democratic transition, to ensure the irreversibility of the process and to develop, as a matter of priority, an electoral system that allows the creation of a structure of democratic governance and guarantees the participation of all political forces including ethnic minorities;

(*f*) To fulfil its obligations under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women by bringing national legislation and practice into conformity with these conventions, and to consider signing and ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, as well as the Optional Protocols to the Convention on the Rights of the Child;

(*g*) To implement fully the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular the request to prosecute and punish those who violate the human rights of women and to carry out human rights education and gender-sensitization training, in particular for military personnel;

(*h*) To release immediately and unconditionally those detained or imprisoned for political reasons, with special urgency with respect to those who are old, sick and imprisoned beyond the terms of their sentence, and to offer guarantees to released prisoners that they will not be arrested again or subjected to harassment and to allow them to participate freely in the political process;

(*i*) To apply the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 43/173 of 9 December 1988 in order to improve conditions of detention, in particular in the field of health, and to eliminate unnecessary restrictions imposed on the detainees;

(*j*) To put an end to the causes of the systematic forced displacements of persons and the flow of refugees to neighbouring countries and create adequate conditions for their safe and voluntary return and complete reintegration, to allow humanitarian personnel safe and unhindered access to assist their return and reintegration, and to address the problems of trafficking of women and children, especially in the border area;

(*k*) To cease the laying of landmines, in particular as a means of ensuring forced relocation, and to desist from the forced conscription of civilians to serve as human minesweepers, and to consider becoming a party to the 1997 Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-personnel Mines and on Their Destruction;

(*l*) To implement fully concrete legislative, executive and administrative measures to eradicate the practice of forced labour and to sanction those responsible;

(*m*) To implement fully the recommendations of the International Labour Organization Commission of Inquiry established to examine the observance of the 1930 Convention on forced or compulsory labour (No. 29) and the high-level team and to cooperate fully with the International Labour Organization in establishing, as soon as possible, a continued and effective representation of the Organization in Myanmar, in agreeing to the appointment of an independent ombudsman and in carrying out the other conclusions adopted by the Governing Body of the International Labour Office at its 282nd session in November 2001 and at its 283rd session in March 2002 concerning the observance by the Government of Myanmar of the Convention concerning forced or compulsory labour (No. 29);

(*n*) To cooperate fully with the United Nations international humanitarian organizations, and all sectors of the community through consultation, to facilitate the granting of authorization to work throughout the country to United Nations and international humanitarian personnel, to allow the provision of humanitarian assistance and to guarantee that it actually reaches the most vulnerable groups of the population, in cooperation with all relevant political and ethnic groups;

(*o*) To promote and protect the human rights of persons living with HIV/AIDS and guard against any marginalization and discrimination that they may experience;

(*p*) To ensure that sufficient funding is allocated to the health care system to enable health workers to provide the highest possible standard of health care for all in need;

(*q*) To enable the building up of a pluralist civil society by creating conditions for the full exercise of the freedoms of expression, association and assembly, including through the revision of relevant legislation, holding a constructive human rights dialogue with the organizations of civil society and finally allowing the creation of these organizations in all sectors of life;

8. *Decides*:

(*a*) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-seventh session and to report to the Commission at its fifty-ninth session, and to keep a gender perspective in mind when seeking and analysing information;

(*b*) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(*c*) To request the Secretary-General to continue his discussions with the Government on the situation of human rights and the restoration of democracy and with anyone he may consider appropriate in order to assist in the implementation of General Assembly resolution 56/231 and of the present resolution;

(*d*) To request the United Nations High Commissioner for Human Rights to cooperate with the Director-General of the International Labour Office with a view to identifying ways in which their offices might usefully collaborate for the improvement of the human rights situation in Myanmar;

(*e*) To request the Secretary-General to bring the present resolution to the attention of all relevant parts of the United Nations system;

(*f*) To continue its consideration of this question at its fifty-ninth session.

55th meeting
25 April 2002
[Adopted without a vote. See chap. IX.]

2002/68. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolution 2001/5 of 18 April 2001,

Welcoming the Durban Declaration and Programme of Action adopted on 8 September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), held in Durban, South Africa,

Stressing that the Durban Declaration and Programme of Action provides a solid basis for combating the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, *Reaffirming* its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination, and its conviction that racism and racial discrimination, in all their forms and manifestations, constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Stressing the need for maintaining continued political will and momentum, at the national, regional and international levels, in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Convinced that racism, as one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Deeply concerned that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

Reaffirming also that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

Underlining the importance of urgently eliminating continued and violent trends of racism, racial discrimination, xenophobia and related intolerance and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Emphasizing that adequate resources at the national, regional and international levels are necessary for the effective implementation of the Durban Declaration and Programme of Action, *Recognizing* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Noting with grave concern that despite the efforts of the international community, the principal objectives of the three Decades for Action to Combat Racism and Racial Discrimination have not been attained and that countless human beings continue to the present day to be victims of racism, racial discrimination, xenophobia and related intolerance,

I. COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

1. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

2. *Invites* States to give widespread publicity to the Durban Declaration and Programme of Action;

3. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow-up the Durban Declaration and Programme of Action;

4. *Emphasizes* that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity;

5. *Requests* the Secretary-General, the Economic and Social Council and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the World Conference and to reflect progress in this regard in their reports;

6. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission to consider the Durban Declaration and Programme of Action, in the discharge of their respective mandates;

7. *Decides* to establish an intergovernmental working group, with the following mandate:

(*a*) To make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action;

(*b*) To prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

8. *Also decides* to establish a working group of five independent experts on people of African descent, appointed on the basis of equitable geographical representation by the Chairman of the fifty-eighth session of the Commission, in consultation with regional groups, to meet for two sessions of five working days each prior to the fifty-ninth session of the Commission, in closed and public meetings, with a mandate:

(*a*) To study the problems of racial discrimination faced by people of African descent living in the diaspora and to this end gather all relevant information from Governments, non-governmental organizations and other relevant sources, including through holding public meetings with them;

(*b*) To propose measures to ensure full and effective access to the justice system by people of African descent,

(*c*) To submit recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent;

(*d*) To elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote all their human rights, bearing in mind the need for close collaboration with international and development institutions and the specialized agencies of the United Nations system to promote the human rights of people of African descent, inter alia through:

(i) Improving the human rights situation of people of African descent by devoting special attention to their needs, inter alia through the preparation of specific programmes of action;

(ii) Designing special projects, in collaboration with people of African descent, to support their initiatives at the community level and to facilitate the exchange of information and technical know-how between these populations and experts in these areas;

(iii) Developing programmes intended for people of African descent allocating additional investments to health systems, education, housing, electricity, drinking water and environmental control measures and promoting equal opportunities in employment, as well as other affirmative or positive action initiatives, within the human rights framework;

9. *Requests* the Working Group of Experts on People of African Descent to submit a report to the Commission at its fifty-ninth session;

10. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international, financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group of Experts by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

11. *Emphasizes* the importance of the appointment of the five independent eminent experts by the Secretary-General to follow the implementation of the provisions of the Durban Declaration and Programme of Action, with the following terms of reference:

(*a*) To receive reports from States, non-governmental organizations, and all relevant institutions within the United Nations system on the implementation of and follow-up to the Durban Declaration and Programme of Action and make recommendations to States for their national plans of action, bearing in mind the resource constraints of the developing countries;

(*b*) To make recommendations to the Intergovernmental Working Group on measures for effective and coordinated implementation of the Durban Declaration and Programme of Action, including regional perspectives;

(*c*) To make recommendations to the Secretary-General, the Office of the High Commissioner for Human Rights and the Commission on ways and means of mobilizing the resources necessary for anti-racism activities;

(*d*) To assist the Intergovernmental Working Group in its preparation of complementary standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects;

(*e*) To cooperate with the Committee on the Elimination of Racial Discrimination, the Commission and the Office of the High Commissioner in the comprehensive implementation of the Durban Declaration and Programme of Action;

12. *Decides* to keep the mandate of the independent eminent experts under constant review;

13. *Welcomes* the efforts of the High Commissioner undertaken within framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including highlighting the plight of victims and initiating consultations with various international sporting and other organizations, enabling them to contribute to the struggle against racism and racial discrimination, as well as the establishment in her Office of the Anti-Discrimination Unit;

14. *Recognizes* that the success of the Durban Programme of Action requires political will on the part of all countries, adequate funding at the national, regional and international levels and international cooperation;

15. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

16. *Decides* to establish a voluntary fund to provide additional resources for:

(*a*) The effective implementation of the Durban Declaration and Programme of Action, in particular in developing countries;

(*b*) The participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and experts, in the open-ended sessions of the Working Group of Experts on People of African Descent;

(*c*) The activities of the Committee on the Elimination of Racial Discrimination;

(*d*) National, regional and international activities to counter racism, racial discrimination, xenophobia and related intolerance, including the holding of seminars;

(*e*) The anti-racial discrimination activities of the Anti-Discrimination Unit;

17. *Requests* the High Commissioner to appoint goodwill ambassadors from all regions of the world with a view to mobilizing additional resources for the Voluntary Fund and raising awareness about the scourge of racism, as well as the need for effective implementation of the Durban Declaration and Programme of Action;

II. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION AND COORDINATION OF ACTIVITIES

18. *Strongly appeals* to all Governments, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and

initiatives to encourage contributions, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

19. *Requests* the United Nations High Commissioner for Human Rights to submit an analytical report to the Commission at its next session on the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003;

20. *Decides*, in this context, to review the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003 and to transmit recommendations to the General Assembly at its fifty-eighth session;

21. *Recommends* that the General Assembly request the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources from the regular budget to finance the activities of the Programme of Action;

22. *Calls upon* all Governments, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action;

III. INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

23. *Urges* all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention;

24. *Recalls with interest* general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination on article 4 of the Convention, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

25. *Welcomes* general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination on Racial Discrimination, emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

26. *Urges* States that have not yet done so to accede to or ratify the Convention as a matter of urgency, with a view to universal ratification by the year 2005;

27. *Urges* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

28. *Urges* States parties to withdraw all reservations contrary to the object and purpose of the Convention;

29. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

IV. SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE AND FOLLOW-UP TO HIS VISITS

30. *Welcomes with satisfaction* the report of the Special Rapporteur (E/CN.4/2002/24 and Add.1 and Add.1/Corr.1) and expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

31. *Reiterates its call* to all Governments, intergovernmental organizations and relevant organizations of the United Nations, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur;

32. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

33. *Also requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

34. *Commends* those States that have invited and received the Special Rapporteur so far, and requests all States to issue a standing invitation to the Special Rapporteur;

35. *Urges* Governments to implement the recommendations contained in the reports of the Special Rapporteur;

36. *Requests* the Special Rapporteur to include in his report to the Commission at its fifty-ninth session, under the same agenda item, information on measures to implement those recommendations, in particular those contained in his report submitted to the present session, and to undertake follow-up visits if necessary;

37. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

38. *Decides* to renew the mandate of the Special Rapporteur for three years and to appoint Mr. Doudou Diène as Special Rapporteur, in order to take advantage of his expertise in this field;

V. GENERAL

39. *Reaffirms* that all human beings are born free, equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies;

40. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

41. *Expresses its profound concern at and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

42. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

43. *Also reaffirms* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and manifestations;

44. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

45. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism and xenophobia and calls upon those that have not yet done so to consider including in their legislation racist and xenophobic motivation as an aggravating factor for the purposes of sentencing;

46. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

47. *Decides* to include in its rationalized agenda a separate item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

56th meeting
25 April 2002
[Adopted by a recorded vote of 37 votes to 11,
with 5 abstentions. See chap. VI.]

2002/69. The right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling all its previous resolutions, in particular resolution 1998/72 of 22 April 1998, and those of the General Assembly on the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Recalling also that the Declaration on the Right to Development confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations, and that the individual is the central object of development,

Recalling further that the outcome of the World Conference on Human Rights, held at Vienna in 1993, the Vienna Declaration and Programme of Action (A/CONF.157/23), reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, and that the individual is the central object of development,

Reaffirming the objective of making the right to development a reality for everyone, set out in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2000,

Recalling General Assembly resolution 55/279 of 12 July 2001, in which the Assembly endorsed the Brussels Declaration (A/CONF.191/12) and the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (A/CONF.191/11), adopted by the Third United Nations Conference on the Least Developed Countries, held in Brussels from 14 to 20 May 2001, and emphasizing in this regard the importance of implementation and follow-up to the Brussels commitments, whose implementation should contribute to progress in the realization of the right to development,

Reaffirming the solemn commitment expressed at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in August and September 2001, to promote universal respect for, and observance and protection of all human rights, including the right to development,

Noting the outcomes of the Fourth Ministerial Conference of the World Trade Organization held at Doha from 9 to 14 November 2001 and of the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, *Recognizing* that international cooperation is one of the commitments recognized in the Declaration on the Right to Development and stressing the importance of multilateral cooperation, including partnerships, commitments, solidarity and South-South cooperation, which should be encouraged,

Having noted all four reports prepared by the independent expert on the right to development,

Noting the ongoing discussion on the question of a suitable permanent follow-up mechanism and the different views expressed thereon in the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development,

1. *Endorses* the conclusions adopted by consensus at the third session of the Working Group on the Right to Development and issued in its report (E/CN.4/2002/28/Rev.1) and, in this context, extends its appreciation to the Chairperson of the Working Group for his efforts and guidance of the Working Group towards a successful outcome;

2. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to assist effectively in implementing the recommendations contained in the agreed conclusions of the Working Group on the Right to Development, including in particular ensuring the meaningful participation and contribution of all relevant international organizations and United Nations specialized agencies, programmes and funds in the next session of the Working Group;

3. *Reaffirms* the need for an international environment which is conducive to the realization of the right to development;

4. *Also reaffirms* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels, recognizes that the promotion and protection of human rights, including the right to development, rests with States, as established in article 3 of the Declaration on the Right to Development, and further reaffirms the inextricable link between the two;

5. *Recognizes* the need for effective implementation and fulfilment of internationally agreed targets adopted by consensus at various international conferences and summits, with particular emphasis on those contained in the Millennium Declaration, within the agreed time frames;

6. *Reaffirms* the commitment to and urging developed countries that have not yet done so, to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on progress achieved in ensuring that official development assistance is used effectively to help meet development goals and targets;

7. *Emphasizes* the international, economic and financial issues that deserve particular attention by the Working Group on the Right to Development, such as international trade, access to technology, good governance and equity at the international level, and the debt burden, in order to consider and evaluate their impact on the enjoyment of human rights and, in this context, looks forward to a preliminary study, as requested by the Commission in its resolution 2001/9 of 18 April 2001, for consideration by the Working Group at its next session;

8. *Recognizes* the need to address market access for developing countries, including in agriculture, services and non-agricultural products, in particular those of interest to developing countries;

9. *Also recognizes* that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries;

10. *Considers* that a desirable pace of meaningful trade liberalization, including in areas under negotiation; implementation of commitments on implementation-related issues and concerns; review of special and differential-treatment provisions with a view to strengthening them and making them more precise, effective and operational; avoidance of new forms of protectionism; and capacity-building and technical assistance for developing countries are important issues in making progress towards the effective implementation of the right to development;

11. *Stresses* that the basic responsibility for the realization of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development, and the role of national policies and development strategies cannot be overemphasized;

12. *Recognizes* that poverty eradication is one of the critical elements in the promotion and realization of the right to development and stresses that poverty is a multifaceted problem requiring a multifaceted approach addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Declaration goals of halving, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger, underlines that the international community is far from meeting the target of halving the number of people living in poverty by 2015 and emphasizes the principle of international cooperation, including partnership and commitment, between developed and developing countries;

13. *Affirms* that while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries in a globalized world, and stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable;

14. *Recognizes* the important link between the international, economic, commercial and financial spheres and the realization of the right to development, in this regard stresses the need to broaden the base of decision-making at the international level on issues of development concern and to fill organizational gaps, as well as for strengthening the United Nations system and other multilateral institutions, and stresses also the need to broaden and strengthen the participation of developing countries and economies in transition in international economic decision-making and norm-setting;

15. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of ongoing efforts by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

16. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development and notes in particular the positive relationship between women's education and their equal participation in the civil, political, economic, social and cultural activities of the community, and the promotion of the right to development;

17. *Stresses* the need for the integration of the rights of children, boys and girls alike, in all policies and programmes, and for ensuring protection and promotion of these rights, especially in areas relating to health, education and the full development of their capacities;

18. *Recognizes* that measures must be taken at the national and international levels to fight human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases, taking into account ongoing efforts and programmes;

19. *Also recognizes* the need at the national level for strong partnerships with civil society organizations, including the private sector, in pursuit of poverty eradication and development, as well as for good corporate governance;

20. *Supports and appreciates* the recently adopted New Partnership for Africa's Development as a development framework and a practical example which could be explored for the promotion of a rights-based approach to development;

21. *Requests* the independent expert on the right to development to conduct an appraisal of country-specific studies relevant to the proposed operational model of his development compact, taking into account different national, regional or international frameworks, including the New Partnership for Africa's Development;

22. *Stresses* the need for mainstreaming the right to development and underlines that in relation to the international economic, commercial and financial spheres, core principles such as equality, equity, non-discrimination, transparency, accountability, participation and international cooperation, including partnership and commitments, are important for the realization of the right to development;

23. *Notes* the ongoing discussion on the question of a suitable permanent follow-up mechanism and the various views expressed thereon in the Working Group on the Right to Development;

24. *Recognizes*, in the above context, the need for further research and analytical work by the Office of the High Commissioner on the above-mentioned core principles, and invites the High Commissioner, in consultation with the United Nations Conference on Trade and Development, the World Trade Organization and all relevant international organizations and institutions, to submit a report on the importance and application of the principle of equity as a matter of priority, at both the national and international levels, taking fully into account the conclusions of the Working Group on the Right to Development;

25. *Also recognizes* that there is considerable scope to further improve the activities of the Office of the High Commissioner towards the promotion and realization of the right to development, including ensuring effective use of financial and human resources necessary to fulfil its mandate, and better servicing of and support for the Working Group on the Right to Development;

26. *Further recognizes* the fundamental role of the Office of the High Commissioner in the promotion and realization of the right to development and takes note of the information provided by the Office on strengthening its role in promoting the right to development;

27. *Decides* to extend the mandate of the Working Group on the Right to Development by one year to continue important deliberations and deepening dialogue on the operationalization on the right to development;

28. *Also decides* to continue consideration of the issue of the right to development, as a matter of priority, at its fifty-ninth session.

56th meeting
25 April 2002
[Adopted by a recorded vote of 38 votes to none,
with 15 abstentions. See chap. VII.]

2002/70. Human rights defenders

The Commission on Human Rights,

Recalling its resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, annexed to that resolution,

Reiterating the importance of the Declaration and stressing the importance of its wide dissemination,

Recalling its resolution 2001/64 of 25 April 2001,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned at the human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

Concerned at the considerable number of communications received by the Special Representative of the Secretary-General on human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders and the particular consequences for women human rights defenders,

Noting with deep concern that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this impacts negatively on the work and safety of human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity,

Welcoming the cooperation between the Special Representative and other special procedures of the Commission,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard, *Recalling* that the primary responsibility for promoting and protecting human rights rests with the State, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration;

2. *Welcomes* the reports of the Special Representative (E/CN.4/2001/94, A/56/341 and E/CN.4/2002/106 and Add.1-2);

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders;

5. *Emphasizes* the importance of combating impunity and in this regard urges States to take appropriate measures to address the question of impunity for threats, attacks and acts of intimidation against human rights defenders;

6. *Urges* all Governments to cooperate with and assist the Special Representative in the performance of her tasks and to furnish all information for the fulfilment of her mandate upon request;

7. *Urges* those Governments that have not yet responded to the communications transmitted to them by the Special Representative to answer without further delay;

8. *Invites* Governments to consider translating the Declaration into national languages and encourages them to disseminate it widely;

9. *Requests* all concerned United Nations agencies and organizations within their mandates to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

10. *Requests* the Secretary-General to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Representative;

11. *Decides* to consider this question at its fifty-ninth session, under the same agenda item.

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/71. Promotion of the right of peoples to peace

The Commission on Human Rights,

Recalling its previous resolution on this issue, resolution 2001/69 of 25 April 2001,

Recalling also resolutions 1996/16 of 29 August 1996 and 1997/36 of 28 August 1997 of the Sub-Commission on the Promotion and Protection of Human Rights, entitled "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life",

Recalling further General Assembly resolution 39/11 of 12 November 1984, entitled "Declaration of the Right of Peoples to Peace",

Bearing in mind the fundamental principles of international law set forth in the Charter of the United Nations,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered,

Reaffirming also the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the importance of ensuring respect for the principles of sovereignty, territorial integrity and political independence of States and non-intervention in matters which are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming that there is a close relationship between disarmament and development and that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples, in particular those of the developing countries, *Alarmed* by the threat to the very survival of mankind posed by the existence of nuclear weapons and the continuing arms race, and recalling the devastation inflicted by all wars,

Convinced of the aim of the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

1. *Reaffirms* the solemn proclamation that the peoples of our planet have a sacred right to peace;

2. *Solemnly declares* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State;

3. *Emphasizes* that ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

4. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

5. *Urges* the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

6. *Urges* all States to refrain from using weapons with indiscriminate effects on human health, the environment and economic and social well-being;

7. *Expresses concern* at the real danger of the weaponization of outer space and the risk of the global arms race gaining new momentum, and calls upon all States to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

8. *Urges* all States to refrain from taking measures which encourage the resurgence of a new arms race, bearing in mind all the resulting predictable consequences for global peace and security, for development and for the full realization of all human rights;

9. *Decides* to continue considering the issue at its fifty-ninth session under the same agenda item.

56th meeting
25 April 2002
[Adopted by a recorded vote of 33 votes to 15,
with 5 abstentions. See chap. XVII.]

2002/72. Promotion of a democratic and equitable international order

The Commission on Human Rights,

Recalling its resolution 2001/65 of 25 April 2001, taking note of General Assembly resolution 56/151 of 19 December 2001, and recalling the previous resolutions of the Assembly and the Commission on this issue,

Reaffirming the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law,

Affirming that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and inter alia, with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples, *Considering* the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

Considering also that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing, and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

Emphasizing that democracy is not only a political concept but also has economic and social dimensions,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Noting with concern that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

Underlining that it is an imperative for the international community to ensure that globalization becomes a positive force for all the world's people, and that only through broad and sustained efforts, based upon common humanity in all its diversity, can globalization be made fully inclusive and equitable,

Stressing that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and economies in transition and are formulated and implemented with their effective participation,

Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life, *Resolved* to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Calls upon* all Member States to fulfil their commitment expressed in September 2001 at Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity, and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity, and all its diversity, can globalization be made fully inclusive and equitable;

4. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(*a*) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(*b*) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(*c*) The right of every human person and all peoples to development;

(*d*) The right of all peoples to peace;

(*e*) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(*f*) Solidarity, as a fundamental value by virtue of which global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice, ensuring that those who suffer or who benefit least receive help from those who benefit most;

(*g*) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principles of full and equal participation in their respective decision-making mechanisms;

(*h*) The right to equitable participation of all, without any discrimination, in domestic as well as global decision-making;

(*i*) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(*j*) The promotion of a free, just, effective and balanced international information and communication order, based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(*k*) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(*l*) The right of every person and all peoples to a healthy environment;

(*m*) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(*n*) The enjoyment by everyone of ownership of the common heritage of mankind;

5. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

6. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

9. *Recalls* the proclamation by the General Assembly of its determination to work urgently for the establishment of an international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries, and ensure steadily accelerating economic and social development and peace and justice for present and future generations;

10. *Reaffirms* that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

11. *Urges* States to continue their efforts, through enhanced international cooperation, towards the establishment of a democratic and equitable international order;

12. *Requests* the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

13. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order, to take into account the present resolution in the preparations and development of the expert seminar to examine the interdependence between democracy and human rights, that it will convene in January 2003 and to invite all Governments, United Nations specialized agencies, funds and programmes, and interested non-governmental organizations to attend that seminar;

14. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

15. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item.

56th meeting
25 April 2002
[Adopted by a recorded vote of 32 votes to 15,
with 6 abstentions. See chap. XVII.]

2002/73. Human rights and international solidarity

The Commission on Human Rights,

Underlining that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Reaffirming that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Recalling that at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in providing these countries with appropriate means and facilities to foster their comprehensive development,

Taking into account that article 2 of the International Covenant on Economic, Social and Cultural Rights states that each State party to the Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means, including particularly the adoption of legislative measures,

Reaffirming that the widening gap between the economically developed and developing countries impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Expressing concern at the fact that the immense potentialities for benefit resulting from the process of globalization and economic interdependence have not reached all countries, communities and individuals, and at the increasing marginalization from their benefits of several countries, particularly the least developed and the African countries,

Recognizing the need for new and additional resources to finance the development programmes of developing countries,

Reaffirming the crucial importance of increasing the resources allocated for official development assistance, and recalling the pledge of the industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, *Asserting* the necessity for establishing new, equitable and global links of partnership and intra-generational solidarity, and for promoting inter-generational solidarity for the perpetuation of humankind,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries towards the realization of the right to development of their peoples and the promotion of the full enjoyment of economic, social and cultural rights by everyone has been insufficient,

Resolved to strive to ensure that the present generations are fully aware of their responsibilities towards future generations,

1. *Reaffirms* the interdependence between the concepts of democracy, development, and respect for human rights and fundamental freedoms;

2. *Welcomes* the recognition set forth in the declaration adopted by the heads of State and Government at the Millennium Summit of the United Nations of the fundamental value of solidarity to international relations in the twenty-first century, in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with basic principles of equity and social justice, and that those who suffer, or who benefit least, deserve help from those who benefit most;

3. *Expresses* its determination to contribute towards the solution of current world problems through increased international cooperation, to create such conditions as will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand on a better world to future generations;

4. *Urges* the international community to consider urgently ways and means to promote and consolidate international assistance to developing countries in their endeavours for development and for the promotion of conditions that make possible the full realization of all human rights;

5. *Recognizes* that the so-called "third generation rights" or "right to solidarity" need further progressive development within the United Nations human rights machinery in order to be able to respond to the increasing challenges of international cooperation in this field;

6. *Requests* the Sub-Commission on the Promotion and Protection of Human Rights to undertake a study on the implementation of the present resolution and to submit an interim study to the Commission at its sixtieth session and a complete study to the Commission at its sixty-second session;

7. *Decides* to continue its examination of this issue at the sixtieth session under the same agenda item.

56th meeting
25 April 2002
[Adopted by a recorded vote of 38 votes to 15. See chap. XVII.]

2002/74. United Nations Decade for Human Rights Education (1995-2004)

The Commission on Human Rights,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming article 26 of the Universal Declaration of Human Rights, in accordance with which education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms,

Recalling the provisions of other international human rights instruments, including article 13 of the International Covenant on Economic, Social and Cultural Rights and article 29 of the Convention on the Rights of the Child, which reflect the aims of the aforementioned article,

Taking into account its resolution 1993/56 of 9 March 1993, in which the Commission recommended that knowledge of human rights, both in its theoretical dimension and in its practical application, should be established as a priority in education policies,

Believing that every woman, man and child, to realize their full human potential, must be made aware of all their human rights, civil, cultural, economic, political and social,

Believing also that human rights education constitutes an important vehicle for the elimination of gender-based discrimination and ensuring equal opportunities through the promotion and protection of the human rights of women,

Convinced that human rights education should involve more than the provision of information and should constitute a comprehensive lifelong process by which people at all levels of development and in all societies learn respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Convinced also that human rights education and information contribute to a concept of development consistent with the dignity of women and men of all ages which takes into account particularly vulnerable segments of society such as children, youth, older persons, indigenous people, minorities, rural and urban poor, migrant workers, refugees, persons with human immunodeficiency virus/acquired immunodeficiency syndrome and disabled persons,

Recognizing the role of education in constructing a culture of peace, in particular the teaching of the practice of non-violence, which will promote the purposes and principles embodied in the Charter of the United Nations,

Affirming that human rights education is a key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies, and that such education is a determining factor in the promotion, dissemination and protection of the democratic values of justice and equity, which are essential to prevent and combat the spread of racism, racial discrimination, xenophobia and related intolerance, as was recognized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

Bearing in mind the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in particular Part II, paragraphs 78 to 82 thereof,

Recalling the responsibility of the United Nations High Commissioner for Human Rights to coordinate relevant United Nations education and public information programmes in the field of human rights,

Recalling also General Assembly resolution 49/184 of 23 December 1994, in which the Assembly proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, welcomed the Plan of Action for the Decade (A/51/506/Add.1, appendix) and requested the High Commissioner to coordinate the implementation of the Plan of Action,

Taking note of General Assembly resolution 56/147 of 19 December 2001 in which the Assembly invited all Governments to reaffirm their commitments and obligations to develop national strategies for human rights education which are comprehensive, participatory and effective and which can be embodied in a national plan of action for human rights education, and also invited the United Nations, intergovernmental organizations, the United Nations Educational, Scientific and Cultural Organization and other relevant intergovernmental organizations to adopt a system-wide approach to the Decade,

Welcoming the efforts to promote human rights education made by educators and non-governmental organizations in all parts of the world, as well as by intergovernmental organizations, including the Office of the United Nations High Commissioner for Human Rights, the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, the United Nations Children's Fund and the United Nations Development Programme,

Recognizing the invaluable and creative role that non-governmental and community-based organizations play in the promotion and protection of human rights by disseminating public information and engaging in human rights education, especially at the grass-roots level and in remote and rural communities,

Noting with appreciation the efforts undertaken so far by the Office of the High Commissioner to increase information-sharing in the area of human rights education through the development of a database and resource collection on human rights education and to disseminate human rights information through its web site and its publications and external relations programmes, *Welcoming* the initiative of the Office of the High Commissioner to develop further the project entitled "Assisting Communities Together", launched in 1998, supported by voluntary funds and designed to provide small grants to grass-roots and local organizations carrying out practical human rights activities,

Recognizing the value of information and communications technologies in human rights education to promote dialogue and understanding of human rights, and in that context welcoming, inter alia, the "CyberSchoolBus" and the United Nations Children's Fund "Voices of Youth" initiatives,

Recalling the mid-term global evaluation of progress made towards the achievement of the objectives of the Decade undertaken by the Office of the High Commissioner, in cooperation with all other principal actors in the Decade, which was presented in the relevant report of the High Commissioner to the General Assembly at its fifty-fifth session (A/55/360),

1. *Takes note with appreciation* of the report of the High Commissioner on the implementation of the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004 (E/CN.4/2002/104);

2. *Welcomes* the steps taken by Governments and intergovernmental and non-governmental organizations to implement the Plan of Action, as indicated in the report of the High Commissioner;

3. *Urges* all Governments to contribute further to the implementation of the Plan of Action, in particular by:

(*a*) Encouraging the establishment, in accordance with national conditions, of broadly representative national committees for human rights education responsible for the development of comprehensive, effective and sustainable national plans of action for human rights education and information, taking into consideration the recommendations of the mid-term global evaluation of the Decade and the guidelines for national plans of action for human rights education developed by the Office of the High Commissioner;

(*b*) Encouraging, supporting and involving national and local non-governmental and community-based organizations in the implementation of their national plans of action;

(*c*) Initiating and developing cultural and educational programmes aimed at countering racism, racial discrimination, xenophobia and related intolerance, and supporting and implementing public information campaigns and specific training programmes in the field of human rights, as emphasized at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

4. *Encourages* Governments to consider, within their national plans of action for human rights education:

(*a*) The establishment of public access human rights resource and training centres capable of engaging in research, including the gender-sensitive training of trainers;

(*b*) The preparation, collection, translation and dissemination of human rights education and training materials;

(*c*) The organization of courses, conferences, workshops and public information campaigns and assistance in the implementation of internationally sponsored technical cooperation projects for human rights education and public information;

5. *Urges* States to intensify their efforts in the field of education, including human rights education, in order to promote an understanding and awareness of the causes, consequences and evils of racism, racial discrimination, xenophobia and related intolerance, and also urges States, in consultation with educational authorities and the private sector, as appropriate, and encourages educational authorities and the private sector, as appropriate, to develop educational materials, including textbooks and dictionaries, aimed at combating those phenomena and, in this context, calls upon States to give importance, if appropriate, to textbook and curriculum review and amendment, so as to eliminate any elements that might promote racism, racial discrimination, xenophobia and related intolerance or reinforce negative stereotypes, and to include material that refutes such stereotypes;

6. *Encourages* States, where such national public access human rights resource and training centres exist, to strengthen their capacity to support human rights education and public information programmes at the international, regional, national and local levels;

7. *Encourages* Governments to support further, through voluntary contributions, the education and public information efforts undertaken by the Office of the High Commissioner within the framework of the Plan of Action;

8. *Encourages* the Office of the High Commissioner to continue to support national capacities for human rights education and information through its technical cooperation programme in the field of human rights, including the organization of training courses and peer education initiatives and the development of targeted training materials for professional audiences, as well as the dissemination of human rights information materials as a component of technical cooperation projects, to develop further its database and resource collection on human rights education and to continue to monitor developments in human rights education;

9. *Requests* the Office of the High Commissioner to continue the implementation of and to expand the "Assisting Communities Together" project and to consider other appropriate ways and means to support human rights education activities, including those undertaken by non-governmental organizations;

10. *Invites* the specialized agencies and relevant United Nations programmes and funds to continue to contribute, within their respective spheres of competence, to the implementation of the Plan of Action and the World Public Information Campaign and to cooperate and coordinate with each other and with the Office of the High Commissioner in that regard;

11. *Encourages* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees, to provide training in human rights for all United Nations personnel and officials;

12. *Encourages* the human rights treaty bodies, when examining reports of States parties, to place emphasis on the obligations of States parties in the area of human rights education and to reflect that emphasis in their concluding observations;

13. *Encourages* all relevant mechanisms of the Commission, particularly working groups and special rapporteurs, representatives or experts, to include systematically in their reports a specific section on human rights education, as relevant to their mandate, as well as to include human rights education as an item on the agenda of their annual meetings, with a view to strengthening their contribution to human rights education;

14. *Encourages* Governments, regional organizations and intergovernmental and non-governmental organizations to explore the potential support and contribution to human rights education of all relevant partners, including the private sector, development, trade and financial institutions and the media, and to seek their cooperation in the development of human rights education strategies;

15. *Invites* the International Telecommunication Union to include the contribution of information technology to human rights education in the preparatory process of the World Summit on the Information Society, as well as at the Summit itself, to be convened in Geneva in December 2003;

16. *Encourages* international and regional organizations to develop strategies for the wider distribution of materials on human rights education through regional networks and to develop region-specific programmes to maximize the participation of national entities, whether governmental or non-governmental, in programmes on human rights education;

17. *Requests* the Office of the High Commissioner to develop and submit to the Commission at its fifty-ninth session, in cooperation with all relevant actors, a study on the follow-up to the United Nations Decade for Human Rights Education which will include, inter alia, the following issues:

(*a*) Possible means of strengthening human rights education at the national, regional and international levels;

(*b*) Elaboration of the concept of a series of intersessional workshops to take place in 2003 and 2004 to address major current human rights education issues, inter alia the question of assessing the impact of human rights education activities and criteria for "best practices"; the contribution of human rights education to the mainstreaming of a human rights-based approach into the work of intergovernmental organizations, development agencies, financial institutions and the private sector; and the role of human rights education in combating racism and all forms of discrimination and intolerance, and specifically in promoting religious tolerance;

18. *Requests* the High Commissioner to bring the present resolution to the attention of all members of the international community and of intergovernmental and non-governmental organizations concerned with human rights education and public information and to report to the Commission at its fifty-ninth session on progress made towards its implementation.

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/75. Human rights and the environment as part of sustainable development

The Commission on Human Rights,

Bearing in mind the Millennium Declaration,

Conscious of General Assembly resolution 55/199 of 20 December 2000 on the 10-year review of progress achieved in the implementation of the outcome of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992,

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26/Rev.1, vol. I and Corr.1, resolution 1 and annex I) and Agenda 21 (ibid., annex II), adopted on 14 June 1992 by the Conference,

1. *Recalls* its decision 2001/111 of 25 April 2001 and welcomes the holding of the preparatory expert meeting and the expert seminar on human rights and the environment convened jointly by the Office of the United Nations High Commissioner for Human Rights and the United Nations Environment Programme from 14 to 16 January 2002 in Geneva pursuant to decision 2001/111;

2. *Notes* the range of views expressed by experts at the preparatory meeting (see E/CN.4/2002/109) and by States during the seminar, and considers that these could be useful to the 10-year review of the United Nations Conference on Environment and Development;

3. *Decides* to continue its consideration of this question at its fifty-ninth session under the same agenda sub-item, taking into account the relevant outcomes agreed at the World Summit on Sustainable Development to be held at Johannesburg, South Africa, from 26 August to 4 September 2002, and the reports of those special procedures of the Commission that were asked to participate in and contribute to the World Summit.

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/76. The role of good governance in the promotion of human rights

The Commission on Human Rights,

Guided by the Universal Declaration of Human rights as a common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action (A/CONF.157/23), which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights,

Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned,

Noting the growing recognition of the importance of good governance in the promotion of human rights, and in particular in the United Nations Millennium Declaration adopted by the General Assembly at the Millennium Summit of the United Nations, which brought together heads of State and Government, the Brussels Declaration (A/CONF.191/12) and Programme of Action for the Least Developed Countries for the Decade 2001-2010, adopted at the Third United Nations Conference on the Least Developed Countries (A/CONF.191/11) and the Monterrey Consensus adopted by the International Conference on Financing for Development (A/CONF.198/3, annex),

Noting also that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Affirming the need for enhanced cooperation at the international level between States and through the United Nations system, to ensure that States needing external inputs in order to improve good governance activities have access, if and when required, to the necessary information and resources,

Recognizing the need for a closer examination of the role of good governance for the promotion of human rights and the relationship between good governance practices and the promotion and protection of all human rights in all countries,

1. *Recognizes* that transparent, responsible, accountable and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is a sine qua non for the promotion of human rights, including the right to development;

2. *Emphasizes*, in this context, the need to promote partnership approaches to international development cooperation and to ensure that prescriptive approaches to good governance do not impede such cooperation;

3. *Welcomes* the provision by States of practical examples of activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, including activities in the context of development cooperation between States, for inclusion in a compilation of indicative ideas and practices that could be consulted by interested States when required, in response to the invitation of the United Nations High Commissioner for Human Rights issued pursuant to paragraph 3 of Commission resolution 2000/64 of 26 April 2000, and requests the High Commissioner to reiterate this invitation to States and to United Nations and other relevant international bodies;

4. *Invites* the High Commissioner, where appropriate and relevant, to draw on the material provided in response to the invitations issued pursuant to paragraph 3 of the present resolution and paragraph 3 of resolution 2001/72 of 25 April 2001 in analysis and technical assistance activities undertaken as part of the programme of her Office and to inform the Commission of the utility of the material in this respect;

5. *Requests* the High Commissioner, using extrabudgetary funding and working jointly with the United Nations Development Programme, to convene a seminar before the fifty-ninth session of the Commission on the issue of practical approaches and activities that have been effective in strengthening good governance practices for the promotion of human rights at the national level, examining and building upon the material provided and experience obtained pursuant to paragraphs 3 and 4 of Commission resolution 2001/72, and also requests the High Commissioner to invite States, national human rights institutions, relevant organs and bodies of the United Nations and other relevant international bodies and relevant national and international non-governmental organizations to attend the seminar and to report to the Commission at its fifty-ninth session on the outcomes of the seminar;

6. *Decides* to continue its consideration of the question of the role of good governance in the promotion of human rights at its fifty-ninth session under the same agenda item.

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/77. The question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (*a*) of the Convention on the Rights of the Child, *Recalling also* General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling further Economic and Social Council resolutions 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1989, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling its resolutions 1997/12 of 3 April 1997, 1998/8 of 3 April 1998, 1999/61 of 28 April 1999, 2000/65 of 26 April 2000 and 2001/68 of 25 April 2001, in which it expressed its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

Noting that, in some countries, the death penalty is often imposed after trials which do not conform to international standards of fairness and that persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda and the International Criminal Court are authorized to impose,

Welcoming also the abolition of the death penalty which has taken place in some States since the last session of the Commission, and in particular in those States that have abolished the death penalty for all crimes,

Commending the States that have recently ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights,

Welcoming the recent signature of the Second Optional Protocol by some States,

Welcoming also the fact that many countries, while still keeping the death penalty in their penal legislation, are applying a moratorium on executions,

Referring to the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9 and Corr.1) with respect to the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Deeply concerned that several countries impose the death penalty in disregard of the limitations set out in the Covenant and the Convention on the Rights of the Child, *Concerned* that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty,

1. *Recalls* the sixth quinquennial report of the Secretary-General on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, submitted in accordance with Economic and Social Council resolution 1995/57 of 28 July 1995 (E/2000/3) and looks forward to receiving the yearly supplement on changes in law and practice concerning the death penalty worldwide as requested in Commission resolution 2001/68;

2. *Reaffirms* resolution 2000/17 of 17 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights on international law and the imposition of the death penalty on those aged under 18 at the time of the commission of the offence;

3. *Calls upon* all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty;

4. *Urges* all States that still maintain the death penalty:

(*a*) To comply fully with their obligations under the Covenant and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes and only pursuant to a final judgement rendered by an independent and impartial competent court, not to impose it for crimes committed by persons below 18 years of age, to exclude pregnant women from capital punishment and to ensure the right to a fair trial and the right to seek pardon or commutation of sentence;

(*b*) To ensure that all legal proceedings, and particularly those related to capital offences, conform to the minimum procedural guarantees contained in article 14 of the International Covenant on Civil and Political Rights, including the right to a fair and public hearing by a competent, independent and impartial tribunal, the presumption of innocence, the right to adequate legal assistance and the right to review by a higher tribunal;

(*c*) To ensure that the notion of "most serious crimes" does not go beyond intentional crimes with lethal or extremely grave consequences and that the death penalty is not imposed for non-violent acts such as financial crimes, non-violent religious practice or expression of conscience and sexual relations between consenting adults;

(*d*) Not to enter any new reservations under article 6 of the Covenant which may be contrary to the object and the purpose of the Covenant and to withdraw any such existing reservations, given that article 6 enshrines the minimum rules for the protection of the right to life and the generally accepted standards in this area;

(*e*) To observe the safeguards guaranteeing protection of the rights of those facing the death penalty and to comply fully with their international obligations, in particular with those under article 36 of the 1963 Vienna Convention on Consular Relations, particularly the right to receive information on consular assistance within the context of a legal procedure;

(*f*) Not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person;

(*g*) Not to execute any person as long as any related legal procedure, at the international or at the national level, is pending;

5. *Calls upon* all States that still maintain the death penalty:

(*a*) Progressively to restrict the number of offences for which the death penalty may be imposed;

(*b*) To establish a moratorium on executions, with a view to completely abolishing the death penalty;

(*c*) To make available to the public information with regard to the imposition of the death penalty;

(*d*) To provide to the Secretary-General and relevant United Nations bodies information relating to the use of capital punishment and the observance of the safeguards guaranteeing protection of the rights of those facing the death penalty as contained in Economic and Social Council resolution 1984/50;

6. *Calls upon* States which no longer apply the death penalty but maintain it in their legislation to abolish it;

7. *Requests* States that have received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from relevant authorities of the requesting State that capital punishment will not be carried out;

8. *Requests* the Secretary-General to continue to submit to the Commission, at its fifty-ninth session, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, paying special attention to the imposition of the death penalty against persons younger than 18 years of age at the time of the offence;

9. *Decides* to continue consideration of the matter at its fifty-ninth session under the same agenda item.

56th meeting
25 April 2002
[Adopted by a recorded vote of 25 votes to 20,
with 8 abstentions. See chap. XVII.]

2002/78. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Taking note of General Assembly resolution 56/144 of 19 December 2001 and its own resolution 2000/67 of 26 April 2000,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Human Rights,

Having considered the reports of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/2002/101),

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Recognizing also the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Welcomes* the initiative of the Secretary-General at the Millennium Summit to invite heads of State and Government to sign and ratify the International Covenants on Human Rights and expresses its deep appreciation to those States that have done so;

3. *Appeals strongly* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of that Covenant;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of technical cooperation and advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

5. *Emphasizes* the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. *Stresses* the importance of avoiding the erosion of human rights by derogation, and underlines the necessity of strict observance of the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed;

7. *Acknowledges* the important contributions of the Human Rights Committee and the Committee on Economic, Social and Cultural rights towards furthering the interpretation of the rights in the Covenants;

8. *Takes note*, therefore, of General Comment No. 29 (2001) of the Human Rights Committee concerning derogation from certain obligations under the International Covenant on Civil and Political Rights in times of emergency which threatens the life of a nation and of General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health (art. 12 of the International Covenant on Economic, Social and Cultural Rights);

9. *Encourages* States parties to limit the extent of any limitations that they lodge to the International Covenants on Human Rights, to review any reservations with a view to withdrawing them, to formulate any reservations as precisely and narrowly as possibly and to ensure that no reservation is incompatible with the object and purpose of the relevant treaty or otherwise contrary to international law;

10. *Urges* States parties to fulfil in a timely manner such reporting obligations under the International Covenants as may be requested and to make use of gender-disaggregated data in their reports and stresses the importance of taking fully into account a gender perspective in

the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and all other treaty bodies;

11. *Calls upon* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents;

12. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the observations made at the conclusion of the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, as well as the views adopted by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, and stresses the need for more effective follow-up to the concluding observations;

13. *Invites* States parties to give particular attention to the dissemination at the national level of the reports they have submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the summary records relating to the examination of those by reports by the Committees and the recommendations and observations made by the Committees after the examination of those reports;

14. *Once again encourages* all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible in their territories;

15. *Encourages* each State party to translate, publish and make widely available in its territory by appropriate means the full text of the concluding observations made on its reports to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

16. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

17. *Stresses* the need for improved coordination between relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued effort in this direction;

18. *Welcomes* the decision by the General Assembly to endorse the request by the Human Rights Committee to hold an additional week of meetings in Geneva in 2002 in order further to reduce the existing backlog;

19. *Also welcomes* the efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods, encourages them to consider further ways and means to that end and takes note of the adoption by the Human Rights Committee of its revised rules of procedure;

20. *Expresses its appreciation* for the decision of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to organize consultations also in 2002 between the committees and States parties to exchange ideas, inter alia on how to render the working methods of the committees more efficient, and encourages all States parties to continue to contribute to this dialogue with practical and concrete proposals on ways to improve the effective functioning of the Committees;

21. *Welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights, and appeals to other bodies dealing with similar human rights questions to respect those uniform standards, as expressed in the general comments of the Committees;

22. *Welcomes in particular* the first inter-Committee meeting of the human rights treaty bodies, to be held from 26 to 28 June 2002 following the fourteenth meeting of chairpersons of these bodies, which will address the subject of the methods of work of treaty bodies relating to the State reporting process;

23. *Takes note with appreciation* of Economic and Social Council decision 2001/220 of 4 June 2001, in which the Council authorized the appointment by the Commission of an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights and takes note of the recommendations of the independent expert in his report to the Commission (E/CN.4/2002/57);

24. *Stresses* the desirability of further considering the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights as well as the need for further efforts towards developing indicators and benchmarks in order to strengthen progressively the full realization and enjoyment of these rights;

25. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the purpose of training government officials engaged in the preparation of such reports and by exploring other possibilities available under the regular programme of advisory services and technical cooperation in the field of human rights;

26. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources;

27. *Also requests* the Secretary-General to submit to the Commission on Human Rights, at its fifty-ninth and sixtieth sessions, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations;

28. *Decides* to consider this question at its sixtieth session under the agenda item entitled "Status of the International Covenants on Human Rights".

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/79. Impunity

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, and the Vienna Declaration and Programme of Action,

Recalling all previous resolutions and decisions of the Commission and the Sub-Commission on the Promotion and Protection of Human Rights on impunity, as well as Part II.E, paragraph 91, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling also the universality, interdependence and indivisibility of all human rights, civil, cultural, economic, political and social,

Noting all previous United Nations reports on the issue of impunity,

Taking note of the report of the Secretary-General on impunity (E/CN.4/2002/102 and Add.1),

Taking note also of Sub-Commission resolution 2001/22 of 16 August 2001 entitled, "International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Recognizing the importance of combating impunity for all human rights violations that constitute crimes,

Recognizing the establishment of the International Criminal Court as an important contribution to ending impunity,

Acknowledging the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda, *Welcoming* the fact that the sixtieth instrument of ratification of the Rome Statute of the International Criminal Court (A/CONF.183/9) has been deposited, resulting in the entry into force of the Rome Statute on 1 July 2002,

Welcoming also, as measures in the fight against impunity and in promoting accountability, the conclusion of the agreement between the United Nations and the Government of Sierra Leone on the establishment of a Special Court for Sierra Leone, the establishment of the Sierra Leone Truth and Reconciliation Commission and the establishment of the Commission for Reception, Truth and Reconciliation in East Timor and the Special Panel for Serious Crimes in the Dili District Court,

Convinced that the practice and expectation of impunity for violations of international human rights or humanitarian law encourage such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments,

Convinced also that exposing violations of human rights, holding their perpetrators, including their accomplices accountable, obtaining justice for their victims, as well as preserving historical records of such violations and restoring the dignity of victims through acknowledgement and commemoration of their suffering, will guide future societies and are integral to the promotion and implementation of all human rights and fundamental freedoms and to the prevention of future violations,

Recalling the provisions relating to combating impunity of the Durban Declaration and Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I),

Recognizing that accountability of perpetrators, including their accomplices, for grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the establishment, by a number of States where serious human rights violations have occurred in the past, of mechanisms to expose such violations, including commissions of inquiry or commissions for achieving truth and reconciliation which complement the justice system,

Conscious that the phenomenon of impunity affects all spheres of society,

Convinced of the need for Governments to combat impunity by addressing past or ongoing violations, taking measures aimed at preventing their recurrence,

1. *Emphasizes* the importance of combating impunity to the prevention of violations of international human rights and humanitarian law and urges States to give necessary attention to the question of impunity for violations of international human rights and humanitarian law, including those perpetrated against women and children, and to take appropriate measures to address this important issue;

2. *Also emphasizes* the importance of taking all necessary and possible steps to hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law, recognizes that amnesties should not be granted to those who commit violations of international humanitarian and human rights law that constitute serious crimes and urges States to take action in accordance with their obligations under international law;

3. *Recognizes* the fundamental importance of the principle of complementarity in the Rome Statute of the International Criminal Court;

4. *Acknowledges* the historic significance of the entry into force of the Rome Statute on 1 July 2002 and calls upon all States to consider ratifying or acceding to it;

5. *Calls upon* States to continue to participate actively in the Preparatory Commission for the International Criminal Court;

6. *Calls upon* States and the United Nations High Commissioner for Human Rights to consider providing to States, upon their request, concrete and practical assistance and cooperation in seeking to achieve the goals set out in the present resolution;

7. *Calls upon* States to continue to support the work of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda and consider ways of supporting the initiatives to establish judicial mechanisms currently under consideration in a few countries in cooperation with the United Nations, and in this regard encourages the continuation or resumption, where needed, of discussions regarding the establishment of appropriate legal frameworks in accordance with international standards of justice, fairness and due process of law;

8. *Commends* those States which have given financial and other support to the Special Court for Sierra Leone and expresses its satisfaction that the Court is in the process of becoming operational;

9. *Recognizes* that, for the victims of human rights violations, public knowledge of their suffering and the truth about the perpetrators, including their accomplices of these violations, are essential steps towards rehabilitation and reconciliation, and urges States to intensify their efforts to provide victims of human rights violations with a fair and equitable process through which these violations can be investigated and made public and to encourage victims to participate in such a process;

10. *Welcomes* in this regard the establishment in some States of commissions of truth and reconciliation to address human rights violations that have occurred there, welcomes the publication in those States of the reports of those commissions and encourages other States where serious human rights violations have occurred in the past to establish appropriate mechanisms to expose such violations, to complement the justice system;

11. *Recognizes* that crimes such as genocide, crimes against humanity, war crimes and torture are violations of international law and that perpetrators of such crimes should be prosecuted or extradited by States, and urges all States to take effective measures to implement their obligations to prosecute or extradite perpetrators of such crimes;

12. *Also requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the Set of principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, Annex II) and on the follow-up thereto;

13. *Further requests* the Secretary-General to seek the views of Governments and intergovernmental and non-governmental organizations on the issue of impunity regarding violations of economic, social and cultural rights;

14. *Also requests* the Secretary-General again to invite States to provide information on any legislative, administrative or other steps they have taken to combat impunity for human rights violations in their territory and to provide information on remedies available to the victims of such violations;

15. *Further requests* the Secretary-General to collect the information and comments received pursuant to the present resolution and to submit a report thereon to the Commission at its fifty-ninth session;

16. *Invites* the special rapporteurs and other mechanisms of the Commission to continue to give due consideration to the issue of impunity in the discharge of their mandates;

17. *Decides* to continue its consideration of this matter at its fifty-ninth session under the same agenda item.

56th meeting
25 April 2002
[Adopted without a vote. See chap. XVII.]

2002/80. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission reaffirmed that the paramount consideration for employing staff at every level was the need for the highest standards of efficiency, competence and integrity and was convinced that this objective was compatible with the principle of equitable geographical distribution and took into account Article 101, paragraph 3, of the Charter of the United Nations, *Recalling also* Part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, while recognizing the necessity for restructuring United Nations human rights machinery, in accordance with its real needs,

Reaffirming the significance of national and regional particularities and various historical, cultural and religious backgrounds, as well as of different political, economic and legal systems,

Taking into account the need to pay particular attention to the recruitment of personnel for the Office of the United Nations High Commissioner for Human Rights from developing countries, thus improving the present staff composition, based on a more equitable geographical distribution,

Noting with deep concern that the report of the United Nations High Commissioner for Human Rights, submitted pursuant to Commission resolution 2001/78 of 25 April 2001 (E/CN.4/2002/115) concerning the geographical composition and the functions of the Office staff, clearly reflects that one region is unequivocally overrepresented in the staff composition and that the imbalance has worsened (see the annex to the present resolution),

Expressing again its concern over the underrepresentation of the developing countries on the staff of the Office of the High Commissioner, particularly bearing in mind the criteria of equitable geographical distribution,

1. *Takes note* of the report of the High Commissioner on the composition of the staff of the Office of the High Commissioner;

2. *Expresses its concern* that no progress has been achieved in the implementation of the resolutions on this subject and that one region accounts for more than half of the posts of the Office of the High Commissioner and more posts than the four remaining regional groups combined;

3. *Also expresses its concern* that new recruitments have not been used to correct the imbalance in favour of one region and that more than half of the newly recruited staff comes from this same region, which accounts for more newly recruited staff than the four remaining regions combined;

4. *Reaffirms* that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for recruiting the staff of the Organization, mindful of the criteria of equitable geographical distribution;

5. *Also reaffirms* General Assembly resolutions 49/222 A and B of 23 December 1994 and 20 July 1995, 51/226 of 3 April 1997 and 53/221 of 7 April 1999 on human resources management;

6. *Further reaffirms* section IX, paragraph 8, of General Assembly resolution 53/221, on human resources management, which reiterates the request to the Secretary-General to increase further his efforts to improve the composition of the Secretariat by ensuring a wide and equitable geographical distribution of staff in all departments;

7. *Considers* that it is necessary to take urgent, concrete and immediate action to change the currently prevailing geographical distribution of staff of the Office in favour of a more equitable distribution of posts, in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

8. *Requests* the Secretary-General to take the necessary measures to ensure that particular attention is paid to recruiting personnel from developing countries, in particular from unrepresented Member States, for the existing vacancies and for additional posts in the Office of the High Commissioner to ensure an equitable geographical distribution, giving particular priority in this regard to recruitment for high-level and Professional posts and to the recruitment of women;

9. *Requests once again* the Secretary-General, in signing agreements with countries as a result of which Junior Professional Officers are provided to the Office of the High Commissioner, to urge those countries to ensure the allocation of additional financial resources to guarantee that personnel from developing countries are able to work as Junior Professional Officers, with a view to conforming with the principle of equitable geographical distribution; furthermore, a permanent mechanism must be established, by virtue of which every Junior Professional Officer from a donor country who joins the Office will be matched by another Junior Professional Officer from a developing country;

10. *Emphasizes* the importance of openly advertising all posts, including ad hoc appointments for field operations, including the dissemination of detailed job descriptions among all States prior to the filling of those posts;

11. *Requests* the High Commissioner to ensure that Junior Professional Officers are not given sensitive political assignments where their impartiality may be questioned;

12. *Reaffirms* the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of her mandate and that of the Office is guided by these principles;

13. *Stresses* that the staff of the Office of the High Commissioner need to maintain their neutrality and fully respect the independence of the work of all mechanisms of the Commission and the treaty bodies, while providing support to their functioning;

14. *Requests* the High Commissioner to use the policy of new recruitments to correct the current imbalance in the composition of the staff of her Office;

15. *Also requests* the High Commissioner to submit a comprehensive report on the implementation of the present resolution to the Commission at its fifty-ninth session, which should include:

(*a*) The composition of the staff of the Office, organized by the five United Nations regional groups established by the General Assembly (African States, Asian States, Latin American and Caribbean States, Western European and Other States and Eastern European States) and reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff;

(*b*) Measures adopted to improve the current situation and their results;

(*c*) Recommendations to improve the current situation;

16. *Draws the attention* of the General Assembly to the present resolution in the context of the consideration of the agenda item on human resources management;

17. *Requests* the Joint Inspection Unit to undertake a comprehensive review of the management and administration of the Office of the High Commissioner, in particular, with regard to its impact on the recruitment policies and the composition of the staff, and to submit a report thereon to the Commission at its sixtieth session containing concrete proposals for the implementation of the present resolution;

18. *Decides* to consider this matter under the same agenda item at its fifty-ninth session.

56th meeting
25 April 2002
[Adopted by a recorded vote of 36 votes to 14,
with 3 abstentions. See chap. XVIII.]

ANNEX

Staff of the Office of the United Nations High Commissioner for Human Rights

*Geographical distribution (by number of posts)**

Regional groups	Posts subject to geographical distribution			Posts not subject to geographical distribution			Total		
	2000	2001	2002	2000	2001	2002	2000	2001	2002
African States	11	10	12	25	21	22	36	31	34
Asian States	15	13	17	1	6	9	16	19	26
Latin America and Caribbean States	8	9	9	8	10	13	16	19	22
Eastern European States	5	5	5	1	6	6	6	11	11
Western European and Other States **	36	41	48	61	69	85	97	110	133
Total	75	78	91	96	112	135	171	190	226

* Based on tables 1 and 2 of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2002/115).

** Includes Switzerland and Israel.

2002/81. Protection of United Nations personnel

The Commission on Human Rights,

Recalling its resolution 2000/77 of 26 April 2000,

Strongly condemning the acts of murder and various forms of physical violence, rape and sexual assault, abduction, hostage-taking, kidnapping, harassment, illegal arrest and detention, acts of destruction and looting of property, shooting at vehicles and aircraft, mine-laying, looting of assets, physical and psychological threats and other hostile acts against United Nations and associated personnel and other personnel acting under the authority of United Nations operations, as well as personnel of international humanitarian organizations,

Guided by the relevant provisions on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies, the Convention on the Safety of United Nations and Associated Personnel, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977 and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects, and its Protocols,

Guided also by the International Bill of Human Rights,

Reaffirming the statement by the President of the Security Council of 9 February 2000 on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones (S/PRST/2000/4),

Taking note of the statement by the President of the Security Council of 15 March 2002 on the protection of civilians in armed conflicts (S/PRST/2002/6), and recalling the report of the Secretary-General on the protection of civilians in armed conflict (S/2001/331) and Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000,

Welcoming General Assembly resolution 56/217 of 21 December 2001 on the safety and security of humanitarian personnel and protection of United Nations personnel,

Welcoming also General Assembly resolution 56/89 of 12 December 2001 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel,

Noting that the Convention on the Safety of United Nations and Associated Personnel, which entered into force on 15 January 1999, has been ratified by sixty-two Member States as at the present date, and mindful of the need to promote its universality, *Welcoming* the inclusion of attacks intentionally directed against personnel involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations as a war crime in the Rome Statute of the International Criminal Court (A/CONF.183/9), to enter into force on 1 July 2002, and noting the role that the Court will play in bringing to justice those responsible for serious violations of human rights and international humanitarian law, as a measure of preventing impunity,

Recalling that the primary responsibility under international law for the security and protection of United Nations and associated personnel lies with the Government hosting a United Nations operation conducted under the Charter or its agreements with the relevant organizations,

Urging all parties involved in armed conflicts to ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977,

Expressing concern that the occurrence of attacks and threats against United Nations and associated personnel and other personnel is a factor that increasingly affects and restricts the ability of the Organization to provide assistance and protection to civilians in fulfilment of its mandate under the Charter,

Reaffirming the fundamental requirement that appropriate modalities for the safety and security of United Nations and associated personnel should be incorporated in all new and ongoing United Nations and field operations, as well as a culture of accountability for the safety of personnel at all levels throughout the United Nations system, and in this regard commending the recent efforts by the United Nations agencies, funds and programmes aimed at the improvement of security management and training of their personnel,

Emphasizing the need to give further consideration to the safety and security of locally recruited United Nations and associated personnel and other personnel, who account for the majority of casualties,

1. *Welcomes* the reports of the Secretary-General to the General Assembly (A/56/384 and Corr.1 and A/55/494);

2. *Calls upon* all States:

(*a*) To consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel, in particular those receiving United Nations operations on their territories;

(*b*) To consider becoming parties to the Rome Statute of the International Criminal Court;

3. *Urges* all States:

(*a*) To take the necessary measures to ensure the full and effective implementation of the provisions of human rights and refugee law relating to the safety and security of United Nations and associated personnel, as well as relevant principles and rules of international humanitarian law;

(*b*) To ensure that any threat or act of violence committed against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation on their territory is fully investigated, and to take all appropriate measures to identify and prosecute the perpetrators of such acts;

(*c*) To facilitate, consistent with their national laws and regulations, the use of communications resources necessary to ensure the protection and safety of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

4. *Calls upon* all States and others concerned:

(*a*) To respect and ensure respect for the rights of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(*b*) To ensure the security and protection of all United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, in compliance with international humanitarian law, in particular their obligations under the Geneva Conventions of 12 August 1949 and the obligations applicable to them under the Additional Protocols thereto of 8 June 1977;

(*c*) To provide adequate and prompt information concerning the arrest or detention of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(*d*) To grant the representatives of the competent international organization immediate access to such personnel;

(*e*) To allow independent medical teams to investigate the health of detained United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(*f*) To allow representatives of the competent international organization to attend hearings involving United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(*g*) To ensure the prompt release of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions and applicable international humanitarian law;

(*h*) To adopt and/or enforce appropriate domestic legislation and judicial and administrative measures to ensure that the perpetrators of unlawful acts against United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

(*i*) To promote a climate of respect for the security of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(*j*) To cooperate fully with United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to ensure their safe and unhindered access in order to allow them to perform efficiently their task of assisting the affected civilian population;

5. *Encourages* all States to contribute to the Trust Fund for the Security of United Nations Personnel;

6. *Welcomes* the establishment, in accordance with General Assembly resolution 56/89, of an Ad Hoc Committee to consider the recommendations made by the Secretary-General in his report on measures to strengthen and enhance the protective legal regime for United Nations and associated personnel, as well as the discussions that took place within the Ad Hoc Committee, from 1 to 5 April 2002 and the firm commitment expressed by States to strengthen the legal protection of United Nations and associated personnel;

7. *Requests* the Secretary-General:

(*a*) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(*b*) To take further steps, within his mandate, to improve the safeguards for the security and safety of locally recruited United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, and to continue to consider ways and means of strengthening their protection, bearing in mind that these personnel account for the majority of casualties as they are often most directly affected by insecurity and threats to their safety;

(*c*) To ensure the inclusion in headquarters and other mission agreements of the applicable principles and rules on protection contained in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

(*d*) To take further measures in order to ensure that security matters are an integral part of the planning for existing and newly mandated United Nations operations and that such precautions extend to all United Nations and associated personnel and, as appropriate, to other personnel;

(*e*) To take further measures to ensure that United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are properly informed about the conditions under which they are called to operate and the standards they are required to meet, including those contained in relevant domestic and international law, and that adequate training is provided in security, human rights and humanitarian law so as to enhance their security and effectiveness in accomplishing their functions;

(*f*) To submit a report to the Commission at its sixtieth session on the situation of United Nations and associated personnel and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, including an account of the cases in which the perpetrators of crimes against those personnel have not been brought to justice and of new cases that have been successfully settled as they relate to the principles set out in the International Covenants on Human Rights, as well as on the implementation of the measures referred to in the present resolution.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XVIII.]

2002/82. Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling its resolution 2001/77 of 25 April 2001,

Reiterating that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, *Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Stressing that regional cooperation can play an important role in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Recognizing the importance of an inclusive, step-by-step, practical and building-block approach towards enhancing regional cooperation for the promotion and protection of human rights in accordance with the pace and priorities to be set by the Governments of the Asian and Pacific region by consensus,

Recognizing also the importance of human rights education in both formal and non-formal contexts in the promotion and protection of human rights,

Recognizing further the valuable contribution that independent national institutions, intergovernmental organizations and non-governmental organizations can make in the field of human rights in the Asian and Pacific region,

Welcoming the convening of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Beirut from 4 to 6 March 2002,

1. *Welcomes* the report of the Secretary-General (E/CN.4/2002/113) and the progress achieved in the implementation of Commission resolution 2001/77;

2. *Stresses* the importance of the linkages and mutually reinforcing aspects of all four areas of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region (E/CN.4/1998/50, annex II) adopted at the sixth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Tehran from 28 February to 2 March 1998, namely human rights education, national institutions for the promotion and protection of human rights, national plans of action for the promotion and protection of human rights and the strengthening of national human rights capacities, and strategies for the realization of the right to development and economic, social and cultural rights;

3. *Also stresses* that developing and strengthening national capacities for the promotion and protection of human rights in accordance with national conditions provides the strongest foundation for effective and enduring regional cooperation in the field of human rights in the Asian and Pacific region;

4. *Commends* the contribution of the Government of Lebanon, as the host of the tenth Workshop, to the promotion and protection of human rights in the Asian and Pacific region;

5. *Endorses* the conclusions of the tenth Workshop on the next steps to be taken to facilitate the process of regional cooperation in the Asian and Pacific region;

6. *Welcomes* the in-depth discussions held during the tenth Workshop reviewing developments in the Asian and Pacific region over the past year in the four priority areas under the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

7. *Also welcomes* the greater and valuable sharing of concrete national experiences at the tenth Workshop on the implementation of all four areas of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

8. *Takes note* of the contribution of independent national institutions, intergovernmental organizations and representatives of non-governmental organizations to the tenth Workshop and the initiative by the Office of the United Nations High Commissioner for Human Rights to hold a consultation of non-governmental actors one day prior to the official opening of the tenth Workshop;

9. *Also takes note* of the diversity of views expressed at the tenth Workshop on possible regional or subregional modalities of cooperation for the promotion and protection of human rights in the Asian and Pacific region as part of an inclusive, step-by-step, practical and building-blocks approach, as well as of the evaluation undertaken on the implementation of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

10. *Further takes note* of the decision of the United Nations High Commissioner for Human Rights to appoint regional representatives of her Office for the Asian and Pacific region based in Bangkok and for the Arab region based in Beirut;

11. *Reaffirms* the desirability of developing national human rights plans of action through a process which ensures the participation of a wide range of relevant national, provincial and local government ministries and agencies, national human rights institutions, non-governmental organizations, academic institutions and other sectors of civil society and of evaluating these plans in order to benefit from lessons learned;

12. *Takes note with appreciation* of the establishment of independent national institutions in countries of the Asian and Pacific region and their important contribution to the process of regional cooperation, inter alia through the work of the Asia-Pacific Forum of National Human Rights Institutions;

13. *Encourages* Governments to promote the development of national strategies for human rights education which are comprehensive, participatory, effective and sustainable, and recognizes that human rights education, in particular mutual human rights education or training courses (scholarships), should benefit from cultural values and traditions that reinforce the universality of human rights, having the aim of promoting a multicultural understanding of human rights;

14. *Recognizes* the importance of good governance at the national and international levels to ensure that all human rights are protected and that development resources are properly and effectively utilized to implement the right to development;

15. *Takes note* of the discussions at previous workshops on, inter alia, all the obstacles to the effective realization of economic, social and cultural rights and the right to development and the need for international cooperation to support the efforts of countries to overcome them;

16. *Takes note with appreciation* of the decision to include the implementation of the Durban Programme of Action adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12) as an integral part of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region;

17. *Encourages* all States in the region to take concrete steps at the national level in connection with the implementation of the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region and to ensure that regional workshops undertaken within the Framework are accompanied by concrete and sustainable subregional and national activities, as well as training and awareness programmes for government officials and key professional groups concerned such as the police, prison officials, educators, judges, lawyers and parliamentarians, as appropriate;

18. *Welcomes* the efforts of the Office of the High Commissioner in developing partnerships for the implementation of its activities under the Framework for Regional Technical Cooperation Programme in the Asian and Pacific Region to enhance national capacities for the promotion and protection of human rights in the region;

19. *Encourages* all Governments in the Asian and Pacific region to consider, as appropriate, making use of the facilities offered by the United Nations under the programme of advisory services and technical cooperation in the field of human rights to further strengthen national human rights capacities and in this regard calls upon the High Commissioner to continue to give adequate attention to the programme;

20. *Requests* the Secretary-General to submit to the Commission at its fifty-ninth session a report containing the conclusions of the eleventh Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region and information on the progress achieved in the implementation of the present resolution;

21. *Decides* to continue its consideration of the question at its fifty-ninth session under the same agenda item.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XVIII.]

2002/83. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming the rapidly growing interest worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling the Programme of Action (see A/CONF.157/NI/6) adopted by national institutions meeting in Vienna from 14 to 16 June 1993 during the World Conference on Human Rights, in which it was recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Welcoming the strengthening of international cooperation among national human rights institutions, including through the International Coordinating Committee of National Institutions,

Welcoming also the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting the valuable role played by national institutions in United Nations meetings dealing with human rights, and the importance of their continued appropriate participation,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), annexed to General Assembly resolution 48/134;

2. *Reiterates*, 10 years after their formulation, the continued importance of the Paris Principles, recognizes the value of further strengthening their application, and encourages States, national institutions and other interested parties to consider ways to achieve this;

3. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

4. *Recognizes* that national institutions have a potentially crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

5. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, such institutions, including the trend towards their establishment in developed countries;

6. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

7. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

8. *Welcomes* the practice of national institutions, which conform with the Paris Principles, of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

9. *Also welcomes* the continuation of the practice of national institutions' convening regional meetings in some regions and its initiation in others, and encourages national institutions, in cooperation with the United Nations High Commissioner for Human Rights, to organize similar events with Governments and non-governmental organizations in their own regions;

10. *Affirms* the important role of national human rights institutions, in cooperation with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities, and in this context welcomes:

(*a*) The participation of national institutions in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at the national, regional and global levels and in the Conference itself;

(*b*) The involvement of national institutions in preparations at the national, regional and global levels for the special session of the General Assembly on children, and urges them to participate actively in the special session itself;

(*c*) The contribution of national institutions to the study on human rights and disability commissioned by the High Commissioner, and urges them to consider and contribute to the discussion on the issues to be addressed by the Ad Hoc Committee established pursuant to General Assembly resolution 56/168 of 19 December 2001;

11. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies, inter alia, for the dissemination of human rights materials and other public information activities during the United Nations Decade for Human Rights Education, 1995-2004;

12. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon her Office to continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

13 *Welcomes* in this context the establishment of a national institutions web site (www.nhri.net) as an important vehicle for the delivery of information to national institutions and their partners and for sharing best practice;

14. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions;

15. *Welcomes* the important role of the International Coordinating Committee of National Institutions, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

16. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner;

17. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

18. *Further requests* the Secretary-General to report to the Commission at its fifty-ninth session on the implementation of the present resolution;

19. *Decides* to continue its consideration of this question at its fifty-ninth session.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XVIII.]

2002/84. Human rights and thematic procedures

The Commission on Human Rights,

Considering that thematic procedures established by the Commission with regard to the consideration of questions relating to the promotion and protection of all human rights, being a major achievement and representing an essential element of United Nations efforts to promote and protect internationally recognized human rights, have an important role among its human rights monitoring mechanisms,

Emphasizing the importance of the impartiality, objectivity and independence of the thematic procedures, as well as the need for due attention to violations of all human rights wherever they may occur,

Noting with satisfaction that an increasing number of Governments have developed a working relationship with the thematic procedures, in particular in the form of invitations to visit, responses to requests for information and implementation of recommendations, and that numerous non-governmental organizations have also developed a working relationship with the thematic procedures,

Noting the fact that a number of Governments have announced that they will always accept requests to visit from special procedures of the Commission and encouraging other Governments to consider doing the same,

Emphasizing the obligation of all Governments not to subject individuals, organizations or groups of persons who have provided information to the special procedures to adverse treatment as a result of such action,

Recalling the applicability of the provisions of the Convention on the Privileges and Immunities of the United Nations to the work of the experts of the special procedures system in the exercise of their functions,

Recalling also all its resolutions on human rights and thematic procedures, *Recalling further*:

(*a*) The recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which called for the strengthening of special procedures,

(*b*) The Secretary-General's programme for United Nations reform (A/51/950 and Add.1-7), which calls for mainstreaming human rights in United Nations activities,

(*c*) The report of the Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112),

Mindful of the request of the Secretary-General to the United Nations High Commissioner for Human Rights to review the human rights machinery and develop recommendations on possible ways to streamline and rationalize it, with a view to strengthening, inter alia, the special procedures, and welcoming progress in this regard,

Concerned that the lack of financial resources creates a constant obstacle to the proper functioning of thematic procedures,

Welcoming the organization by the High Commissioner of annual meetings of the holders of mandates, as recommended by the World Conference on Human Rights, and the efforts to coordinate activities among various mandates in the areas of urgent actions, missions to the field and relevant meetings and consultations, so as to enhance their effectiveness, taking into account the need to avoid unnecessary duplication and overlapping,

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

Noting also that children and members of other vulnerable groups are frequently subject to abuses of their human rights and deserve specific attention when reporting on violations of their human rights,

1. *Commends* those Governments that have invited thematic special rapporteurs, representatives, experts or working groups to visit their countries and developed other forms of intensive cooperation with the thematic procedures;

2. *Encourages* all Governments to cooperate with the Commission through the pertinent thematic procedures by:

(*a*) Responding without undue delay to requests for information made to them through the thematic procedures, so that the procedures may carry out their mandates effectively;

(*b*) Considering inviting thematic special rapporteurs, representatives, experts and working groups to visit their countries;

(*c*) Considering follow-up visits with a view to the effective implementation of recommendations by the thematic procedures concerned;

3. *Calls upon* the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed without undue delay on the progress made towards their implementation;

4. *Invites* non-governmental organizations to continue and to strengthen their cooperation with thematic procedures to ensure that the material provided is as detailed and accurate as possible and falls under the mandate of these procedures;

5. *Requests* the thematic special rapporteurs, representatives, experts and working groups:

(*a*) To make recommendations for the prevention of and protection from human rights violations within their respective mandates;

(*b*) To follow closely and reflect in their reports progress made by Governments in the investigations carried out within their respective mandates;

(*c*) To continue close cooperation with relevant treaty bodies and country rapporteurs;

(*d*) To focus the resources available to them in ways that best advance the fulfilment of their mandates;

(*e*) To provide concise, comprehensive and focused reports within their respective mandates;

(*f*) To include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(*g*) To include gender-disaggregated data regularly in their reports and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

(*h*) To address also in their reports the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against children, or to which children are particularly vulnerable, in order to ensure the effective protection of their human rights, and, if possible, to include age-disaggregated data also;

6. *Also requests* the thematic special rapporteurs, representatives, experts and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services and technical cooperation administered by the Office of the United Nations High Commissioner for Human Rights;

7. *Recommends* allowing time at future sessions of the Commission, where possible and as appropriate, for informal discussion, in public meetings, between member and observer States of the Commission and special procedures and mechanisms after the latter have presented their reports;

8. *Requests* the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs and representatives, experts and chairpersons of working groups of the Commission and of the programme of advisory services and technical cooperation, and also of the joint meeting of chairpersons of treaty bodies, to convene further such periodic meetings in order to enable participants to continue to exchange views, cooperate and coordinate more closely within their respective mandates and make recommendations to that effect so as to enhance the overall effectiveness of the thematic procedures;

9. *Encourages* the High Commissioner to further strengthen cooperation among the thematic special rapporteurs and representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

10. *Suggests* that the special rapporteurs and representatives, experts and working groups of the special procedures of the Commission, acting within their mandates, consider how they can also promote public awareness about human rights and about the particular situation of individuals, groups and organs of society who promote and protect human rights and fundamental freedoms;

11. *Requests* the Secretary-General:

(*a*) To issue annually, and sufficiently early, in close collaboration with the thematic special rapporteurs and representatives, experts and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(*b*) To present annually a list of all persons currently mandated to carry out the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission;

12. *Also requests* the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the Office of the High Commissioner to support the effective implementation of all the thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and representatives, experts and working groups by the appropriate United Nations organs;

13. *Decides* to continue its consideration of this question at its sixtieth session.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XVIII.]

2002/85. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Commission on Human Rights,

Recalling General Assembly resolution 55/90 of 4 December 2000 and its own resolution 2000/75 of 26 April 2000, as well as other relevant resolutions,

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Reiterating its concern about the persistent backlog of reports on the implementation by States parties of certain United Nations human rights instruments and about delays in the consideration of reports of the human rights treaty bodies,

Reiterating its concern also about the large number of overdue reports,

Reiterating its concern further about the lack of adequate resources, which impedes the effective functioning of the treaty bodies, including in regard to their ability to work in the applicable working languages, *Recalling* that the effectiveness of the treaty bodies in encouraging the realization by States parties of their obligations under the United Nations human rights instruments requires constructive dialogue aimed at assisting States parties in identifying solutions to human rights problems and based on the reporting process supplemented by information from all relevant sources, which should be shared with all interested parties,

Reaffirming its responsibility for the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(*a*) Promoting the effective functioning of the periodic reporting by States parties to those instruments,

(*b*) Securing sufficient financial, human and information resources for the Office of the United Nations High Commissioner for Human Rights to enable these bodies to carry out their mandates effectively, including in regard to their ability to work in the applicable working languages,

(*c*) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks,

(*d*) Addressing questions of both reporting obligations and financial implications when elaborating any further instruments on human rights,

1. *Takes note with appreciation* of the reports of the persons chairing the human rights treaty bodies on their twelfth meeting (A/55/206), held in Geneva from 5 to 8 June 2000, and the holding of the thirteenth meeting (A/57/56) held in Geneva from 18 to 22 June 2001, and also takes note of the conclusions and recommendations of those meetings;

2. *Encourages* each treaty body to continue to give careful consideration to the relevant conclusions and recommendations contained in the reports of the meetings of the chairpersons of the human rights treaty bodies and, in this context, encourages enhanced cooperation and coordination between these bodies;

3. *Takes note with interest* of the report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2002/110);

4. *Notes with appreciation* the continuing attention given by the human rights treaty bodies, the chairpersons of those bodies, Governments, United Nations bodies and specialized agencies, the United Nations High Commissioner for Human Rights, non-governmental organizations and interested persons to the question of enhancing the long-term effectiveness of the United Nations human rights treaty system, including the final report of the independent expert (E/CN.4/1997/74) and other contributions;

5. *Emphasizes* the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies, particularly in view of the additional demands placed on the system by the new reporting requirements and the increasing number of ratifications and, with this in mind:

(*a*) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body, while making the most efficient use of existing resources, in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(*b*) Calls upon the Secretary-General to seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(*c*) Welcomes the plans of action prepared by the High Commissioner to enhance the resources available to all the human rights treaty bodies and thereby strengthen the implementation of these human rights treaties, and encourages all Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons to consider contributing to the appeal for extra budgetary resources for the treaty bodies made by the High Commissioner until the regular budget funding meets their needs;

6. *Takes note* of the measures taken by each of the human rights treaty bodies to improve their functioning, as reflected in their respective annual reports, and encourages continuing efforts by the human rights treaty bodies and the Secretary-General to help improve the meeting of reporting obligations by States parties and to reduce the backlog in the consideration of reports by treaty bodies;

7. *Welcomes* the decision of the treaty bodies to convene the first inter-committee meeting from 26 to 28 June 2002 to discuss issues of common concern, including issues relating to the methods of work of the treaty bodies;

8. *Also welcomes* the continuing efforts by the human rights treaty bodies and the Secretary-General aimed at improving the effectiveness of the treaty body system, including by streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures;

9. *Encourages* all key stakeholders, such as the Secretary-General, the Office of the High Commissioner in particular, the treaty bodies and States parties, to continue to examine ways of improving the effectiveness of the treaty body system, including by reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on States parties, including through an ongoing examination of proposals for reports focused on a limited range of issues, the harmonization of the general guidelines regarding the form and content of reports, the possibility of consolidating overdue reports, the timing of consideration of reports and the methods of work of the treaty bodies;

10. *Recognizes* recent efforts by the treaty bodies and the Office of the High Commissioner to improve the petitions system;

11. *Urges* States parties to contribute, individually and collectively, such as through meetings of States parties, to identifying practical proposals and ideas for improving the functioning of the treaty bodies and strongly encourages the treaty bodies to take these efforts into consideration in their ongoing work;

12. *Also urges* States parties to make every effort to meet their reporting obligations under United Nations human rights instruments;

13. *Reiterates* that a priority of the Office of the High Commissioner should be to provide assistance to States parties, upon their request and, if possible, in coordination with other United Nations bodies, Governments and other interested parties, in order to:

(*a*) Assist those States in the process of ratifying United Nations human rights instruments;

(*b*) Assist States with the implementation of their obligations under such instruments, including the preparation of their initial reports;

14. *Invites* States parties that have not yet submitted their initial reports under United Nations human rights instruments to avail themselves, where necessary, of technical assistance for this purpose;

15. *Welcomes* the publication of the revised *Manual on Human Rights Reporting* (United Nations publication, Sales No. E.GV.97.0.16) and requests the High Commissioner, in accordance with Economic and Social Council decision 1998/252 of 30 July 1998, to take the necessary measures to ensure the translation into all the official United Nations languages of the revised *Manual* as soon as possible;

16. *Also welcomes* the availability of documentation regarding the treaty bodies on the web site of the Office of the High Commissioner and urges the Secretary-General to ensure that United Nations practices concerning access to treaty information are consistent with Commission resolutions 2001/63 of 25 April 2001 on public information activities in the field of human rights and 2001/61 of 25 April 2001 on the United Nations Decade for Human Rights Education;

17. *Encourages* the human rights treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties, and encourages States parties to consider carefully the concluding observations of the treaty bodies in identifying their needs for technical assistance;

18. *Urges* each State party whose report has been examined by a human rights treaty body to translate, publish and make available in its territory the full text of the concluding observations of the treaty body on its report and to provide adequate follow-up to those observations;

19. *Welcomes* the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies and encourages the specialized agencies and other United Nations bodies, the various organs of the Commission on Human Rights, including its special procedures, the Sub-Commission on the Promotion and Protection of Human Rights, the Office of the High Commissioner and the chairpersons of the human rights treaty bodies to continue to explore specific measures to intensify this cooperation among themselves and improve communication and information flow to improve further the quality of their work, including by avoiding unnecessary duplication;

20. *Recognizes* the important role played by non-governmental organizations in all parts of the world in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

21. *Recalls*, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographical distribution and gender balance of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character, acknowledged impartiality and recognized competence in the field of human rights, and encourages States parties, individually and through meetings of States parties, to consider how to give better effect to these principles;

22. *Encourages* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, bearing in mind the workshops on gender integration, and reaffirms that it is the responsibility of all treaty bodies to integrate a gender perspective into their work;

23. *Welcomes* the contribution of the human rights treaty bodies, within their mandates, to the prevention of violations of human rights, in the context of their consideration of reports submitted under their respective treaties;

24. *Requests* the Secretary-General to report to the Commission at its sixtieth session on measures taken to implement the present resolution and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies;

25. *Decides* to consider this question on a priority basis at its sixtieth session under the agenda item entitled "Effective functioning of human rights mechanisms".

57th meeting
26 April 2002
[Adopted without a vote. See chap. XVIII.]

2002/86. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Bearing in mind that among the purposes of the United Nations are those of developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and taking other appropriate measures to strengthen universal peace, as well as achieving international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the adoption of the United Nations Millennium Declaration by the General Assembly on 8 September 2000, its own resolution 2001/67 of 25 April 2001 on enhancement of international cooperation in the field of human rights and taking note of Assembly resolution 56/149 of 19 December 2001,

Recalling also General Assembly resolution 54/113 of 10 December 1999 on the United Nations Year of Dialogue among Civilizations, and welcoming the proclamation of the Global Agenda for Dialogue among Civilizations by the Assembly in its resolution 56/6 of 9 November 2001,

Welcoming the adoption of the Durban Declaration and Programme of Action by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12, chap. I), held at Durban, South Africa, from 31 August to 8 September 2001, and its role in the enhancement of international cooperation in the field of human rights,

Reaffirming its commitment to promoting and enhancing genuine international cooperation in the field of human rights among Member States, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Emphasizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Underlining that tolerance and respect for diversity and the universal promotion and protection of human rights are mutually supportive, and recognizing that tolerance and respect for diversity effectively promote and are supported by, inter alia, the empowerment of women,

Reaffirming that dialogue among religions, cultures and civilizations, including in the field of human rights, could contribute greatly to the enhancement of international cooperation in this field, *Emphasizing* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, in particular, international cooperation,

Underlining that mutual understanding, dialogue, cooperation, transparency and confidence building are important elements in all the activities for the promotion and protection of human rights,

Bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, and thus should be equally treated in the course of international cooperation,

Recalling resolution 2000/22 of 18 August 2000 of the Sub-Commission on the Promotion and Protection of Human Rights, concerning the promotion of dialogue on human rights issues, adopted by the Sub-Commission at its fifty-second session, and noting that the Sub-Commission will give further consideration to the question of a dialogue among civilizations at its fifty-fourth session,

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Considers* that international cooperation in this field, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and of fundamental freedoms for all;

3. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency, in a manner consistent with the purposes and principles of the Charter;

4. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

5. *Calls upon* Member States, specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and the protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

6. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

7. *Recalls with appreciation* the decision of the General Assembly to proclaim the year 2001 the United Nations Year of Dialogue among Civilizations and reaffirms that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity;

8. *Decides* to continue its consideration of this question, as a matter of priority, at its fifty-ninth session.

57th meeting
26 April 2002
[Adopted by a recorded vote of 40 votes to none,
with 13 abstentions. See chap. XVII.]

2002/87. Advisory services and technical cooperation in the field of human rights

The Commission on Human Rights,

Recalling:

(*a*) That one of the principal purposes of the United Nations is to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

(*b*) General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission resolution 2000/80 of 26 April 2000,

Recalling also that the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23) inter alia:

(*a*) Calls upon the Office of the United Nations High Commissioner for Human Rights to assume a larger role in the promotion of human rights through cooperation with Member States and by an enhanced programme of advisory services in the field of human rights,

(*b*) Recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system, and urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate to this end in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication, (*c*) Recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the promotion and protection of human rights, democracy and the rule of law,

Mindful, that the mandate of the United Nations High Commissioner for Human Rights includes responsibilities for:

(*a*) Provision of advisory services and technical and financial assistance at the request of States,

(*b*) Enhancing international cooperation for the promotion and protection of all human rights,

(*c*) Coordination of human rights promotion and protection activities throughout the United Nations system,

(*d*) Coordination of relevant United Nations education and public information programmes in the field of human rights,

Reaffirming that developing and strengthening national capacities and institutions for the promotion of human rights is an important area for international cooperation,

Acknowledging the importance of further strengthening the provision of advisory services and technical cooperation by the Office of the High Commissioner,

Mindful that technical cooperation programmes of the Office of the High Commissioner are and should be developed and implemented on the basis of a common understanding with the Government concerned in the context of the pursuit of national development objectives and national programmes aimed at the promotion and protection of all human rights,

1. *Notes with appreciation* the report of the High Commissioner on advisory services and technical cooperation in the field of human rights (E/CN.4/2002/116) as well as the annual appeals of the High Commissioner and her first *Annual Report 2000*;

2. *Declares* that advisory services and technical cooperation, when requested by Governments for the purpose of developing and strengthening national capacities in the field of human rights, constitute one of the most efficient and effective means of promoting and protecting all human rights, democracy and the rule of law;

3. *Welcomes*, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights and fundamental freedoms, and encourages all States to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

4. *Calls* for a substantial increase in available financial resources, including from voluntary contributions, for advisory services and technical cooperation, which should be managed in a more efficient and coordinated way;

5. *Expresses its appreciation* for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, welcomes in particular the increasing contributions made by developing countries and invites more Governments and non-governmental organizations to consider contributing;

6. *Invites* all Governments considering making voluntary contributions to the Office of the High Commissioner to consider providing unearmarked contributions to the extent possible;

7. *Encourages* efforts to integrate in a comprehensive manner into technical cooperation programmes economic, social and cultural rights, as well as a clear gender perspective;

8. *Reaffirms* that United Nations field activities in the area of human rights should, when requested, be complemented by advisory services and technical cooperation projects aimed at producing lasting results through the enhancement of national capacities and the promotion of national institutions;

9. *Stresses* that, when assisting States in promoting and protecting all human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address their specific requirements;

10. *Affirms* that, in order to secure the sustainability of advisory services and technical cooperation projects, these should incorporate qualified national human rights expertise to the extent possible, and further develop and strengthen such expertise;

11. *Encourages* the Office of the High Commissioner to continue its current practice of making the best use of available human rights expertise relevant to, and, as appropriate, from, the regions where technical cooperation activities are undertaken and to make available relevant information in this regard;

12. *Recognizes* the usefulness of advisory services and technical cooperation for all countries, and calls upon the Office of the High Commissioner to continue to develop its potential for the promotion and protection of all human rights through advisory services and technical cooperation projects and to accord these activities the highest priority;

13. *Notes* the interdependence between social and economic development, poverty eradication and the promotion and realization of all human rights, and in this regard welcomes the lead role of the High Commissioner in inter-agency coordination in the field of human rights;

14. *Encourages* Governments, relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to consult each other in order to elaborate proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights with a view to contributing to practical and tangible change in the human rights situation;

15. *Invites* States to assist the Office of the High Commissioner in developing and funding, upon the request of States, specific technical cooperation projects aimed at combating racism, racial discrimination, xenophobia and related intolerance;

16. *Requests* the Secretary-General:

(*a*) To continue, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund, to ensure efficient management of the Voluntary Fund, strict and transparent project-management rules and periodic evaluations of the programme and projects and to arrange for the holding of information meetings open to all Member States and organizations directly involved in the programme of advisory services and technical cooperation;

(*b*) To continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on technical cooperation in the field of human rights;

(*c*) To submit a further analytical report to the Commission at its sixtieth session on the progress and concrete achievements made, as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the Voluntary Fund;

17. *Decides* to continue consideration of this subject at its sixtieth session.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XIX.]

2002/88. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other relevant human rights instruments,

Recalling its resolution 2001/81 of 25 April 2001, *Bearing in mind* the statement by the President of the Security Council on the situation in Somalia of 31 October 2001 (S/PRST/2001/30), the reports of the Secretary-General on the situation in Somalia (S/2001/963 and S/2002/189), Council resolution 1265 (1999) of 17 December 1999 on the protection of civilians in armed conflict, the report of the Secretary-General on protection for humanitarian assistance to refugees and others in conflict situations (S/1998/883), General Assembly resolution 54/192 of 17 December 1999 entitled "Safety and security of humanitarian personnel and protection of United Nations personnel", and the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex),

Recalling Security Council resolution 751 (1992) of 24 April 1992 on the situation in Somalia,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems,

Noting with appreciation the efforts made in favour of peace by the United Nations, the Organization of African Unity, the League of Arab States, the European Union, the Organization of the Islamic Conference, the Movement of Non-Aligned Countries, the member countries of the Intergovernmental Authority on Development and the Intergovernmental Authority Partners' Forum,

Expressing satisfaction that the people of the northern regions of Somalia, despite all difficulties, continue to enjoy relative peace and stability, as well as the provision of basic services,

Considering that the people of Somalia should not be abandoned by the international community and that human rights should be placed on the agenda of talks regarding the future of Somalia,

Commending the work done by Somali civil society groups and non-governmental organizations, including humanitarian organizations, in the humanitarian field in their efforts to promote and protect human rights,

Recognizing the massive challenges facing Somalia with respect to immediate assistance as well as reconstruction and development,

Noting with concern that the humanitarian and security situation remains fragile in several parts of Somalia, including Mogadishu,

Welcoming the statement by the President of the Security Council of 28 March 2002 (S/PRST/2002/8), including the request to the Secretary-General to begin preparatory activities on the ground for a comprehensive peace-building mission to be deployed once security conditions permit, and to ensure coordination of ongoing peace-building activities and provide for their incremental expansion, *Considering* that humanitarian and development assistance is of paramount importance in contributing to the alleviation of poverty, promoting a more peaceful, equitable and democratic society in Somalia and supporting sustainable improvement of the livelihood of the Somali people and their improved access to basic public and social services, as well as the establishment of good governance,

Acknowledging the major contribution of Djibouti to the Arta peace process,

Underlining that the peace process in Somalia must continue and be completed through dialogue and not by resorting to the use of force,

Recalling the note by the secretariat on the situation of human rights in Somalia (E/CN.4/2001/105),

1. *Welcomes*:

(*a*) The resolution on Somalia adopted in Khartoum on 11 January 2002 by the ninth Summit of Heads of State and Government of the Intergovernmental Authority for Development and the agreed coordination of efforts by Kenya, Ethiopia and Djibouti (the front-line States) under the supervision of the Chairman of the Authority, and their joint facilitation of a reconciliation conference on Somalia in Nairobi;

(*b*) The decision on Somalia adopted by the Committee of Foreign Ministers of Member States of the Intergovernmental Authority for Development on 14 February 2002 to establish a technical committee to work out modalities to facilitate the convening of the National Reconciliation Conference in the second half of April 2002, including the transitional national Government and all other Somali parties, without conditionalities;

(*c*) The support given by the Office of the United Nations High Commissioner for Human Rights through the appointment of the human rights officer for Somalia based in Nairobi in the framework of the office of the United Nations Resident Humanitarian Coordinator for Somalia and expresses the hope that the human rights officer will be able to continue to give meaningful assistance to the Somali people through the fulfilment of his mandate;

(*d*) The integration by a number of United Nations agencies of human rights issues into their programmes;

(*e*) The statement by the President of the Security Council of 28 March 2002 in which the Council requested the Secretary-General to begin preparatory activities on the ground for a comprehensive peace-building mission, to ensure coordination of peace-building activities and provide for their incremental expansion, including staff strengthening, in a coherent manner and in accordance with existing security arrangements, and to deploy a post-conflict peace-building mission of the United Nations once security conditions permit;

(*f*) The decision of the Secretary-General to establish a contact group for Somalia both in Nairobi and in New York;

(*g*) The decision to revitalize the arms embargo established by the Security Council in resolution 733 (1992) of 23 January 1992 through the establishment of a concrete mechanism for its enforcement by 30 April 2002;

2. *Emphasizes* the necessity of undertaking efforts against international terrorism in accordance with Security Council resolution 1373 (2001) of 28 September 2001 and urges the international community to provide assistance to Somalia for the implementation of that resolution;

3. *Underlines* the need for human rights to be an integral part of a future United Nations peace-building mission in Somalia;

4. *Expresses the hope* that the National Reconciliation Conference to be held in Nairobi will contribute to the restoration of the State, the preservation of national unity and the territorial integrity of the country through the process of national reconciliation;

5. *Also expresses the hope* that the National Reconciliation Conference will contribute to ending the suffering of the Somali people;

6. *Underlines* that the initiative on Somalia of the Intergovernmental Authority on Development on Somalia is essential in order to find a way forward in the search for an all-inclusive government based on the sharing and devolution of power through a democratic process;

7. *Expresses deep concern* at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against women and children, and at the absence of an effective judicial system, essential to ensure the right to a fair trial in accordance with international standards, and takes note of the need for appropriate investigation throughout Somalia in order to bring perpetrators to justice;

8. *Condemns*:

(*a*) The ongoing widespread violations and abuses of human rights and humanitarian law, in particular against minorities, women and children, including the continuing practise of female genital mutilation, which remains a matter of serious concern, as well as the forced displacement of civilians;

(*b*) All violations of international humanitarian law, including the forced or compulsory recruitment of children for use in armed conflict and the use of these children in armed conflict by the militias;

(*c*) All acts of violence such as hostage-taking, abduction and murder, including of humanitarian relief workers and of United Nations agency personnel;

9. *Strongly urges* the transitional national Government, local authorities, and all political and traditional leaders of Somalia:

(*a*) To strengthen their commitment to dialogue with the objective of widening and deepening the process of national reconciliation;

(*b*) To put aside their differences, to participate in the dialogue being facilitated by the Intergovernmental Authority on Development without preconditions and with the genuine resolve to broaden and complete the national reconciliation process and to put the interests of the people of Somalia first and foremost;

(*c*) To respect human rights and international humanitarian standards as set out in international instruments, in particular those pertaining to internal armed conflicts;

(*d*) To support the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards;

(*e*) To protect and facilitate the work of United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media, and to guarantee all persons involved in humanitarian action freedom of movement throughout the country and safe and unhindered access to civilians in need of protection and humanitarian assistance;

10. *Calls upon*:

(*a*) The transitional national Government and the Transitional National Assembly to continue, in a spirit of constructive dialogue, the process of engaging all groups in the country, including the north-eastern and north-western self-administering areas ("Somaliland" and "Puntland"), with a view to completing the process of national reconciliation and preparing for the installation of permanent governance arrangements through the democratic process;

(*b*) The authorities of the self-administering areas of "Somaliland" and "Puntland" to establish constructive relations with the transitional national Government;

(*c*) All States and other actors to comply scrupulously with the arms embargo established by Security Council resolution 733 (1992);

(*d*) All States to refrain from any military intervention in the internal situation in Somalia and to abide by the arms embargo;

(*e*) All States, in particular those of the region, to refrain from interfering in the internal affairs of Somalia in a further destabilizing manner, contributing to a climate of fear, impacting adversely on individual human rights and jeopardizing the sovereignty, territorial integrity, political independence and unity of the country, and from using the territory of Somalia to undermine stability in the subregion;

(*f*) All States, and local authorities in Somalia, to prevent persons and entities from taking advantage of the situation in Somalia to finance, plan, facilitate, support or commit terrorist acts from the country, emphasizing that efforts to combat terrorism in Somalia are inseparable from the establishment of peace and governance in the country, as indicated in the statement by the President of the Security Council of 28 March 2002;

(*g*) All States to commit themselves to the long-term objective of regional stability, inter alia, by playing a positive role in the process of rebuilding national institutions in Somalia;

(*h*) Regional and international organizations and concerned countries to continue to intensify the coordinated efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

(*i*) Individual donor countries, international organizations and non-governmental organizations further to incorporate human rights principles and objectives in the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert of the Commission;

(*j*) The international community to continue to provide increased assistance in response to the United Nations appeals for relief, rehabilitation and reconstruction efforts in all regions of Somalia, including those aimed at the strengthening of civil society, encouraging governance and the re-establishment of the rule of law, and to support the activities of the Office of the High Commissioner concerning Somalia;

(*k*) All States having information about violations of the provisions of Security Council resolution 733 (1992) concerning a mandatory arms embargo against Somalia to provide this information to the Committee on Somalia of the Security Council created pursuant to resolution 751 (1992), with a view to supporting the work of the Committee;

(*l*) The United Nations, its Member States and specialized agencies, non-governmental organizations and the Bretton Woods institutions to intensify their assistance, in particular in the fields of human rights, education, women's rights and gender equality, health (with special attention to combating human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and other communicable diseases), demobilization of militia, disarmament, the struggle against the proliferation of small arms, mine clearing and rehabilitation of basic infrastructure;

(*m*) The United Nations, its Member States and specialized agencies fully to support and assist the Intergovernmental Authority on Development in the implementation of its decisions on Somalia, which are an important development for the peace process in the country;

11. *Commends* the work carried out by the independent expert and welcomes his report (E/CN.4/2002/119);

12. *Invites* Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

13. *Requests* the United Nations High Commissioner for Human Rights to provide for the translation of the present resolution, accompanied by an appropriate background explanatory note, into the Somali language and for its wide dissemination within the country through the human rights officer for Somalia based in Nairobi;

14. *Decides*:

(*a*) To extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requests the independent expert to report to the Commission at its fifty-ninth session;

(*b*) To request the Secretary-General to continue to provide the independent expert with all necessary assistance in carrying out his mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner in providing advisory services and technical assistance;

(*c*) To continue its consideration of this question at its fifty-ninth session under the same agenda item.

57th meeting
26 April 2002
[Adopted without a vote. See chap. XIX.]

2002/89. Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991, including Part III thereof, relating to human rights,

Bearing in mind its resolution 2001/82 of 25 April 2001, General Assembly resolution 56/169 of 19 December 2001 and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991, *Desiring* that the international community continue to respond positively to assist efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council (A/53/850-S/1999/231) and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975-1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the efforts to pursue internationally accepted principles of justice and of national reconciliation,

Recognizing also that accountability of individual perpetrators of grave human rights violations is a central element of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system which promotes and protects human rights and fundamental freedoms,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

I. SUPPORT OF AND COOPERATION WITH THE UNITED NATIONS

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/2002/117) and the use of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, and invites the international community to consider contributing to the Trust Fund;

3. *Also welcomes* the report of the Special Representative (E/CN.4/2002/118), encourages the Government of Cambodia to continue its cooperation at all levels of government, supports the appeals of the Government and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, and encourages donor countries and other relevant parties to follow up their pledges made at the Consultative Group Meeting held in Tokyo in June 2001;

4. *Welcomes* the signature of the memorandum of understanding by the Government of Cambodia and the Office of the High Commissioner for the extension of the mandate of the office in Cambodia, and encourages the Government to continue to cooperate with the Office in their joint efforts to promote human rights;

5. *Commends* the vital and valuable role played by the Office of the High Commissioner and non-governmental organizations in Cambodia, inter alia in human rights education and training, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with them in efforts to strengthen and uphold human rights in Cambodia;

6. *Notes with interest* the efforts of the Cambodian Human Rights Committee for the promotion and protection of human rights in Cambodia, including the publication of its report, and encourages the Government of Cambodia in its efforts for the establishment of an independent national mechanism for the promotion and protection of human rights based on the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

II. ADMINISTRATIVE, LEGISLATIVE AND JUDICIAL REFORM

7. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption and interference by the executive with the independence of the judiciary, welcomes the continued commitment of the Government of Cambodia to reforming the judiciary and urges the Government as a matter of priority to take the necessary measures to ensure the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole and to increase its budgetary allocation to the judiciary;

8. *Urges* the Government of Cambodia to strengthen its efforts towards the early adoption of the laws and codes that are essential components of the basic legal framework, including a law on the statute of magistrates, a penal code, a code of criminal procedure, a new civil code and a code of civil procedure, as well as its efforts to reform the administration of justice and to enhance the training of judges and lawyers, welcomes the opening of the Royal School of Magistrates and progress made in establishing a training school for lawyers, appeals to the international community to assist the Government to these ends, and welcomes, inter alia, the drafting of the law on the statute of magistrates;

9. *Welcomes* the enactment of the Land Law, notes with concern the problems related to land, inter alia land grabbing, forced evictions and further displacement, and urges the Government of Cambodia to continue its efforts to implement an effective, efficient and transparent land registration system, as envisaged in the Law, to solve these problems;

10. *Encourages* further efforts by the Government of Cambodia to implement expeditiously and effectively its reform programme, including the Governance Action Plan;

11. *Expresses serious concern* that a situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to take further measures to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government to meet its own commitments to bring perpetrators to justice more effectively;

12. *Welcomes* the efforts of the Government of Cambodia to demobilize those elements of the armed forces no longer required to meet its defence needs, encourages the Government to implement the contents of the White Paper on National Defence, especially the policy objectives to assist the armed forces to become a professional, impartial and outward-looking organization, and to continue to carry out effective reform, including the implementation of a full-scale demobilization programme, and invites the international community to continue to assist the Government to these ends;

13. *Welcomes* the efforts of the Government of Cambodia to conduct polling for the 3 February 2002 commune elections in a peaceful and efficient manner, notes with serious concern acts of intimidation, violence and killings, and reports of vote-buying, and urges the Government to investigate these incidents thoroughly and bring the perpetrators to justice, to take the necessary measures to prevent post-election violence and intimidation, to ensure that similar problems do not occur in connection with next year's general election and, in particular, to ensure proper neutrality on the part of State institutions, including an independent national election committee, proper law enforcement and equitable access to all forms of media, including broadcast media, for all parties;

14. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper food and health care to prisoners and detainees, including by strengthening the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field, to prevent any form of torture and to meet the special needs of women and children;

III. HUMAN RIGHTS VIOLATIONS AND VIOLENCE

15. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, notes that some progress has been made by the Government of Cambodia in addressing these issues and urges the Government to take all necessary measures to prevent such violations;

16. *Urges* the Government of Cambodia to combat discrimination in all its manifestations against ethnic minorities and to protect their rights, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, inter alia by seeking technical assistance;

IV. KHMER ROUGE TRIBUNAL

17. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government have paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

18. *Appeals to* the Government of Cambodia to ensure that the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia are brought to trial in accordance with international standards of justice, fairness and due process of law, in this connection recognizes the need for the Government of Cambodia and the United Nations to cooperate, appeals to the parties to resume discussions on the establishment of a tribunal for such a purpose and also appeals to the international community to provide assistance in this regard;

V. PROTECTION OF WOMEN AND CHILDREN

19. *Welcomes* the progress made in improving the status of women and urges the Government of Cambodia to continue to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

20. *Commends* the Government of Cambodia for its efforts to combat human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) while remaining concerned about its increasing incidence, also notes with grave concern the growing phenomenon of trafficking in and sexual exploitation of women and children, urges the Government with the assistance of the international community, to draft relevant domestic laws to combat this problem and requests the Government and the international community to make concerted efforts comprehensively to address these problems and their underlying causes;

21. *Urges* the Government of Cambodia to improve further the health conditions of children and their access to education, to provide and promote free and accessible birth registration and to establish an effective juvenile justice system that is consistent with international human rights standards, and invites the international community to continue to assist the Government to these ends;

22. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education or be harmful to their health, safety or morals, inter alia by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and prosecuting those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard and encourages the Government to consider ratifying the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of that Organization;

VI. LANDMINES AND SMALL ARMS

23. *Expresses grave concern* at the devastating consequences and destabilizing effects of anti-personnel landmines on Cambodian society, welcomes the progress made by the Government of Cambodia in the removal of these mines and for victim assistance and mine-awareness programmes, encourages the Government to continue its efforts in this regard, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

24. *Expresses concern* at the substantial number of small arms still existing in society, commends the progress made by the Government of Cambodia in this regard and the cooperation of the international community in dealing with issues of small arms, and encourages the Government and the international community to cooperate in regional and international efforts to reduce the number of illicit small arms, including implementation of the existing programmes;

VII. CONCLUSION

25. *Requests* the Secretary-General to report to the Commission at its fifty-ninth session on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative of the Secretary-General for human rights in Cambodia on matters within his mandate;

26. *Decides to* continue its consideration of the situation of human rights in Cambodia at its fifty-ninth session under the agenda item entitled "Advisory services and technical cooperation in the field of human rights".

57th meeting
26 April 2002
[Adopted without a vote. See chap. XIX.]

2002/90. The situation of human rights in the occupied Palestinian territory

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling its resolution 2002/1 of 5 April 2002 and its decision 2002/103 of 16 April 2002 calling for a visiting mission to travel immediately to the area and report to the Commission thereon,

Noting with appreciation the efforts of the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestinian Liberation Organization and the Palestinian Authority, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the International Committee of the Red Cross and other organizations to alleviate the suffering of the Palestinian people,

Noting also with appreciation the efforts made by the United Nations High Commissioner for Human Rights and the two other members of her team to undertake the visit to the occupied Palestinian territory as mandated by the Commission,

1. *Deplores* the denial by Israel of the visit of the team headed by the High Commissioner, in defiance of Commission resolution 2002/1 and decision 2002/103;

2. *Takes note* of the report submitted by the High Commissioner (E/CN.4/2002/184) providing details of reports of the gross, widespread and flagrant violations of the human rights of the Palestinian people and the utter disregard for international humanitarian law by the Israeli forces in their operations in the occupied Palestinian territory;

3. *Expresses deep concern* at the grave humanitarian situation of the Palestinian civilian population following the invasion by Israel of Palestinian cities and camps, especially Jenin Camp, and condemns the continuing gross, widespread and flagrant violations of human rights of the Palestinian people by the occupying Power, Israel;

4. *Endorses*, in this context, the proposal by the High Commissioner for a comprehensive investigation into the breaches of human rights and international humanitarian law;

5. *Calls upon* Israel to ensure full respect for human rights and international humanitarian law, especially the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949;

6. *Calls upon* the international community to provide urgent and adequate humanitarian assistance for the reconstruction of the areas in the occupied Palestinian territory destroyed by Israeli military operations;

7. *Decides* to continue its consideration of this question in the light of further developments in the occupied Palestinian territory.

58th meeting
26 April 2002
[Adopted by a recorded vote of 33 votes to 1,
with 19 abstentions. See chap. IV.]

2002/91. Enhancement of the effectiveness of the working methods of the Commission

The Commission on Human Rights,

Recalling the report of its Intersessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission (E/CN.4/2000/112), approved by consensus by the working group and annexed to Commission decision 2000/109 of 26 April 2000, in which the Commission emphasized the importance and relevance to its work of all aspects of the report and hence the need to implement it comprehensively and in its entirety,

Bearing in mind the conclusions and recommendations on the improvement of the working methods of the Commission included in Chapter VI of the report of the working group, in particular, those relating to the question of agenda reform (para. 62) and the documentation to be submitted to its annual sessions (inter alia, para. 63),

Recalling Economic and Social Council resolution 2001/27 of 26 July 2001, entitled, "Implementation of General Assembly resolutions 50/227 and 52/12 B: improving the working methods of the functional commissions of the Economic and Social Council",

Considering that new and more complex situations have recently emerged, making it even more necessary to carry out an in-depth survey of the serious problems arising from the Commission's present methods of work,

Noting, in this context, that in recent years there has been a constant and significant increase in the number of reports and other documents submitted to the Commission annually which must be analysed, in addition to the more than one hundred draft resolutions, decisions and amendments thereto also brought to its attention for action at every session,

Noting also that, at the same time, it has been decided to reduce drastically the time actually available for the work of the Commission at the present session, *Conscious* of the need to make more rational and efficient use of the time and resources available to the Commission and to the Office of the United Nations High Commissioner for Human Rights,

1. *Decides* to initiate at its fifty-ninth session, under the same agenda item, a thorough review of the issue of the enhancement of the effectiveness of the working methods of the Commission, in particular, those matters included in the non-exhaustive annex to the present resolution;

2. *Calls upon* the regional groups recognized in the Commission to take the steps they consider appropriate to initiate, as soon as possible, the analysis of the matters included in this non-exhaustive annex;

3. *Requests* the Office of the High Commissioner to solicit ideas and proposals on enhancing the effectiveness of the working methods of the Commission from Governments, the expanded Bureau of the fifty-eighth session, regional groups and organizations and other participants at the Commission, including non-governmental organizations, with a view to submitting a comprehensive compilation of views to the Commission by 31 December 2002;

4. *Requests* the expanded Bureau of its fifty-ninth session to submit, at the initial stage of the fifty-ninth session, proposals on how to proceed to consider this question in 2003 under the same agenda item.

58th meeting
26 April 2002
[Adopted by a recorded vote of 36 votes to none,
with 17 abstentions. See chap. III.]

ANNEX

ISSUES TO BE CONSIDERED, AMONG OTHERS, AT THE FIFTY-NINTH SESSION OF THE COMMISSION ON HUMAN RIGHTS UNDER THE AGENDA ITEM ENTITLED "RATIONALIZATION OF THE WORK OF THE COMMISSION"

1. Duration of the annual session of the Commission.

2. Periodicity of the consideration of items and sub-items of the agenda.

3. Documentation to be considered annually by the Commission, including:

(*a*) Legislative authority for the preparation of documentation under each of the agenda items;

(*b*) Availability of documentation prior to the opening of the debates on the respective items;

(*c*) Availability of background documentation (in particular, General Assembly and Economic and Social Council documents);

(*d*) Written contributions by members of the Commission, observer States and intergovernmental and non-governmental organizations.

4. Organization of work during the annual session, inter alia:

(*a*) Time management with regard to interventions of delegations and oral presentation of the reports submitted to the Commission;

(*b*) Invitations to participate in the debates of the session;

(*c*) Overall review of the functions of the Bureau and of regional coordinators.

5. Arrangements for the holding of the special debate:

(*a*) Proceedings and time limits for the selection of the main theme;

(*b*) Modalities for the holding of the debate;

(*c*) Criteria for the selection of the panellists to be invited.

6. Arrangements for the participation of dignitaries in the annual session.

7. Establishment and programming of intersessional working groups.

8. Organization and programming of parallel activities during the annual sessions.

2002/92. Rights of the child

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, emphasizing that its provisions and other relevant human rights instruments must constitute the standard in the promotion and protection of the rights of the child, and reaffirming that the best interests of the child shall be a primary consideration in all actions concerning children,

Welcoming the entry into force of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict,

Welcoming also the adoption of the Protocol additional to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

Reaffirming further the World Declaration on the Survival, Protection and Development of the Child and the Plan of Action for the Implementation of the World Declaration on the Survival, Protection and Development of the Child in the 1990s adopted in September 1990 by the World Summit for Children (A/45/625, annex), the United Nations Millennium Declaration and the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which, inter alia, state that national and international mechanisms and programmes for the safeguard and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children, female infanticide, harmful child labour and the immediate elimination of its worst forms, sale of children and organs, child prostitution and child pornography, as well as other forms of sexual abuse,

Welcoming the integration of child rights issues into the outcomes of the special session of the General Assembly on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS), held in New York in June 2001 and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa in September 2001),

Welcoming also the Yokohama Global Commitment 2001 adopted at the second World Congress against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in December 2001, and calling upon States to consider its outcome,

Reaffirming all previous resolutions of the Commission on Human Rights related to the rights of the child, in particular its resolutions 2000/85 of 27 April 2000 and 2001/75 of 25 April 2001, and taking note with appreciation of General Assembly resolution 56/138 of 19 December 2001,

Welcoming the work of the Committee on the Rights of the Child in examining the progress made by States parties in implementing the obligations undertaken in the Convention on the Rights of the Child and in providing recommendations to States parties on its implementation and, in cooperation with the Office of the United Nations High Commissioner for Human Rights, in enhancing awareness of the principles and provisions of the Convention, and taking note of the conclusions of the general discussions on violence against children held in September 2000 and 2001,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular HIV and AIDS, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Concerned that, in conflict situations, children continue to be victims and deliberate targets of attacks with consequences that are often irreversible for their physical and emotional integrity,

Taking note of the progress made in the preparations for the special session of the General Assembly on children, including in its draft outcome document, and encouraging the Assembly, at the special session, to make a renewed commitment to the rights of the child and to consider future action for children in the forthcoming decade, taking into account a strong child-rights approach, *Welcoming* the reports of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/2002/84), of the Special Rapporteur on the right to education (E/CN.4/2002/60 and Add.1-2), of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2002/88), of the Special Representative of the Secretary-General on the impact of armed conflict on children to the General Assembly at its fifty-sixth session (A/56/453) and to the Commission at its fifty-eighth session (E/CN.4/2002/85), and the report of the Secretary-General on children and armed conflict (A/56/342-S/2001/852),

Concerned at the number of illegal adoptions, of children growing up without parents and of child victims of family and social violence, neglect and abuse,

Recognizing that partnership between Governments, international organizations and relevant bodies and organizations of the United Nations system, in particular the United Nations Children's Fund, and all actors of civil society, in particular non-governmental organizations, as well as the private sector, is important to realize the rights of the child,

Welcoming the International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010) and recalling the Declaration and Programme of Action on a Culture of Peace, which serve as the basis for the International Decade,

Reaffirming interrelatedness of all human rights and the necessity to take into account the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights, including the right to development, to promote and protect the rights of the child,

I. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER INSTRUMENTS

1. *Urges once again* the States that have not yet done so to sign and ratify or to accede to the Convention on the Rights of the Child as a matter of priority, with a view to reaching the goal of universal adherence, and, concerned at the great number of reservations to the Convention, urges States parties to withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations with a view to withdrawing them;

2. *Urges* the States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography;

3. *Calls upon* States parties to implement the Convention fully and to ensure that the rights set forth in the Convention are respected without discrimination of any kind, that the best interests of the child are a primary consideration in all actions concerning children, to recognize the child's inherent right to life and that the child's survival and development is ensured to the maximum extent possible, and that the child is able to express his/her views freely in all opinions on matters affecting him/her and that these views are listened to and given due weight in accordance with his/her age and maturity;

4. *Urges* States parties to take all appropriate measures for the implementation of the rights recognized in the Convention, bearing in mind article 4 of the Convention, by strengthening relevant governmental structures for children, including, where appropriate, ministers in charge of child issues and independent commissioners for the rights of the child;

5. *Calls upon* all States to use reliable statistics and statistical indicators at national, regional and international levels in order to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively;

6. *Calls upon* States parties:

(*a*) To accept, as a matter of priority, the amendment to article 43, paragraph 2, of the Convention regarding the expansion of the Committee on the Rights of the Child from 10 to 18 members;

(*b*) To ensure that the members are of high moral standing and recognized competence in the field covered by the Convention, serving in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems;

(*c*) To cooperate closely with the Committee and to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, as well as to take into account the recommendations made by the Committee in the implementation of the provisions of the Convention and to strengthen their cooperation with the Committee;

7. *Requests* the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to include a child rights perspective in the fulfilment of their mandates, and calls upon States to cooperate closely with them;

8. *Reaffirms* the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and other professions whose work has an impact on children, as well as coordination between various governmental bodies;

9. *Calls upon* all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice;

10. *Calls upon* all States and relevant actors concerned to continue to cooperate with the special rapporteurs and special representatives of the United Nations system in the implementation of their mandates, requests the Secretary-General to provide them with appropriate staff and facilities from the United Nations regular budget, when this is in accordance with their respective mandates, invites States to continue to make voluntary contributions, where appropriate, and urges all relevant parts of the United Nations system to provide them with comprehensive reporting to make the full discharge of the mandate possible;

11. *Decides*, with regard to the Committee, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invites the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning;

II. PROTECTION AND PROMOTION OF THE RIGHTS OF THE CHILD

Identity, family relations and birth registration

Reaffirming paragraph 15 of its resolution 2000/85,

12. *Calls upon* all States:

(*a*) To continue to intensify efforts to ensure the registration of all children, immediately after birth, including by the consideration of simplified, expeditious and effective procedures;

(*b*) To undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations, as recognized by law without unlawful interference and, where a child is illegally deprived of some or all of the elements of his or her identity, to provide appropriate assistance and protection with a view to re-establishing speedily his or her identity;

(*c*) To ensure as far as possible the right of the child to know and be cared for by his or her parents, and to ensure that a child shall not be separated from his or her parents against their will, except when the competent authorities, subject to judicial review, determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child, in conformity with article 9 of the Convention on the Rights of the Child;

(*d*) To address cases of international abduction of children, in particular by one of their parents;

(*e*) To take all appropriate measures, especially educational measures, to further promote the responsibility of both parents in the education, development and raising of children;

Poverty

Convinced that investments in children and the realization of their rights are among the most effective ways to eradicate poverty,

13. *Calls upon* States and the international community to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all of these levels, in order to ensure that the development and poverty reduction goals, as set out in the United Nations Millennium Declaration, are realized and to promote the enjoyment of the rights of the child;

Health

Reaffirming paragraphs 16 to 19 of its resolution 2000/85,

14. *Calls upon* all States to give support and rehabilitation to children and their families affected by HIV/AIDS and to involve children and their caregivers, as well as the private sector, to ensure the effective prevention of HIV infections through correct information and access to affordable, voluntary and confidential care, treatment and testing, giving due importance to the prevention of mother-to-child transmission of the virus;

Education

Reaffirming paragraphs 20 and 21 of its resolution 2000/85,

15. *Calls upon* all States:

(*a*) To recognize the right to education on the basis of equal opportunity by making primary education free and compulsory to all and ensuring that all children, including girls, children in need of special protection, children with disabilities, indigenous children and children belonging to minorities, have access without discrimination to education of good quality, as well as making secondary education generally available and accessible to all, and in particular by the progressive introduction of free education, bearing in mind that affirmative action contributes to achieving equal opportunity and combating exclusion, and that the education of the child is carried out and that States parties develop and implement programmes for the education of the child in accordance with articles 28 and 29 of the Convention on the Rights of the Child;

(*b*) To take all appropriate measures to prevent racism and discriminatory and xenophobic attitudes and behaviour through education, keeping in mind the important role that children play in changing these practices;

(*c*) To ensure that children, from an early age, benefit from education and from participation in activities which develop respect for human rights and emphasize the practice of non-violence with the aim of instilling in them the values and goals of a culture of peace; and invites them to develop national strategies for human rights education which are comprehensive, participatory and effective;

16. *Urges* States:

(*a*) To take measures to protect students from violence, injury or abuse, including sexual abuse, to establish complaint mechanisms that are accessible to children and to undertake thorough and prompt investigations of all acts of violence and discrimination;

(*b*) To take measures to eliminate the use of corporal punishment in schools;

Freedom from violence

Reaffirming paragraphs 22 to 24 of its resolution 2000/85,

17. *Welcomes* the request by the General Assembly to the Secretary-General in resolution 56/138 to conduct an in-depth study on the question of violence against children and suggests that he appoint an independent expert to direct the study, in collaboration with the Office of the High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization, taking into account the recommendations of the Committee on the Rights of the Child made following its two days of general discussion on violence against children and the outcome of the special session of the General Assembly on children, and, in this regard, requests the Secretary-General to submit a substantive progress report on the study to the Commission at its fifty-ninth session and a final in-depth study to the Commission at its sixtieth session to the greatest extent possible for its consideration, with the aim of evaluating all possible complementary measures and future actions;

18. *Requests* Member States and United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, and invites non-governmental organizations to contribute to the study;

19. *Requests* that all relevant human rights mechanisms, in particular special rapporteurs and working groups, within their mandates, pay attention to the special situation of violence against children, reflecting their experience in the field;

20. *Calls upon* all States to take all appropriate national, bilateral and multilateral measures to prevent and protect children from all forms of physical, sexual and psychological violence, including violence occurring, inter alia, in the family, in public or private institutions, in society, or perpetrated or tolerated by private individuals, juridical persons or the State;

21. *Also calls upon* all States to investigate and submit cases of torture and other forms of violence against children to the competent authorities for the purpose of prosecution and to impose appropriate disciplinary or penal sanctions against those responsible for such practices;

III. NON-DISCRIMINATION

Calling upon all States to ensure that children are entitled to their civil, political, economic, social and cultural rights without discrimination of any kind,

22. *Notes with concern* the large number of children, particularly girls, among the victims of racism, racial discrimination, xenophobia and related intolerance, and stresses the need to incorporate special measures, in accordance with the principle of the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, in order to give priority attention to the rights and the situation of children who are victims of these practices;

23. *Calls upon* all States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist not to deny to a child belonging to such a minority or who is indigenous the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language;

The girl child

Reaffirming paragraphs 26 to 28 of its resolution 2000/85,

24. *Calls upon* all States to take all necessary measures, including legal reforms where appropriate:

(*a*) To ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, to take effective actions against violations of those rights and freedoms, and to base programmes and policies on the rights of the child, taking into account the special situation of girls;

(*b*) To eliminate all forms of discrimination against girls and all forms of violence, harmful traditional or customary practices, including female genital mutilation, the root causes of son preference, marriages without free and full consent of the intending spouses and early marriages, by enacting and enforcing legislation and, where appropriate, formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies protecting girls;

Children with disabilities

Reaffirming paragraph 29 of its resolution 2000/85,

25. *Calls upon* all States to take all necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities and, where necessary, to develop and enforce legislation against their discrimination to ensure dignity, promote self-reliance and facilitate the child's active participation in the community, including adequate and effective access to health care, rehabilitation and education of good quality for children with disabilities and their parents, taking into account the situation of children with disabilities living in poverty;

Migrant children

Reaffirming paragraph 30 of its resolution 2000/85,

26. *Calls upon* all States to ensure, for migrant children, the enjoyment of human rights as well as access to health care, social services and education; States should ensure that migrant children, and especially those who are unaccompanied, in particular victims of violence and exploitation, receive special protection and assistance;

IV. PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN IN PARTICULARLY DIFFICULT SITUATIONS

Children working and/or living on the street

Reaffirming paragraph 31 of its resolution 2000/85,

27. *Calls upon* all States to prevent arbitrary and summary executions, torture, all kinds of violence against and exploitation of children working and/or living on the street and other violations of their rights and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of these children, and to adopt economic, social and educational solutions to address the problems of children working and/or living on the street;

Refugee and internally displaced children

Reaffirming paragraph 32 of its resolution 2000/85,

28. *Calls upon* all States to protect refugee children, unaccompanied children seeking asylum and internally displaced children, who are particularly exposed to risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, to pay particular attention to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations;

Child labour

Reaffirming paragraphs 33 and 34 of its resolution 2000/85,

29. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, and to immediately eliminate the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, as well as to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

30. *Also calls upon* all States to consider ratifying and implementing the 1999 Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) and the 1973 Convention concerning the minimum age for employment (No. 138) of the International Labour Organization;

Children alleged to have or recognized as having infringed penal law

Reaffirming paragraphs 35 and 36 (*a*) and (*d*) of its resolution 2000/85,

31. *Calls upon*:

(*a*) The Governments of all States, in particular States in which the death penalty has not been abolished, to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 37 and 40 of the Convention on the Rights of the Child and articles 6 and 14 of the International Covenant on Civil and Political Rights, keeping in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989; and calls upon those States to abolish by law as soon as possible the death penalty for those aged under 18 at the time of the commission of the offence;

(*b*) All States to take appropriate steps to ensure compliance with the principle that depriving children of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and to ensure that, if they are arrested, detained or imprisoned, children are separated from adults, to the greatest extent feasible, unless it is considered in their best interest not to do so, and also to take appropriate steps to ensure that no child in detention is sentenced to forced labour or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training, taking into consideration the special needs of children with disabilities in detention, in accordance with their obligations under the Convention on the Rights of the Child;

V. PREVENTION AND ERADICATION OF THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

Reaffirming paragraphs 37 to 42 of its resolution 2000/85,

32. *Calls upon* all States:

(*a*) To take all appropriate national, bilateral and multilateral measures, inter alia to develop national laws and allocate resources for the development of long-term policies, programmes and practices and to collect comprehensive and disaggregated gender-specific data, to facilitate the participation of child victims of sexual exploitation in the development of strategies and to ensure the effective implementation of relevant international instruments concerning the prevention and the combat of trafficking and sale of children for any purpose or in any form, including the transfer of the organs of the child for profit, child prostitution and child pornography, and encourages all actors of civil society, the private sector and the media to cooperate in efforts to this end;

(*b*) To increase cooperation at all levels to prevent and dismantle networks trafficking in children;

(*c*) To criminalize and effectively penalize all forms of sexual exploitation and sexual abuse of children, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, the sale of children and their organs, and the use of the Internet for these purposes, while ensuring that, in the treatment by the criminal justice system of children who are victims, the best interests of the child shall be a primary consideration, and to take effective measures to ensure prosecution of offenders, whether local or foreign, by the competent national authorities, either in the country where the crime was committed, or in the offender's country of origin, or in the country of destination, in accordance with due process of law;

(*d*) To combat the existence of a market that encourages such criminal practices against children, including through the adoption and effective application of preventive and enforcement measures targeting customers or individuals who sexually exploit or sexually abuse children as well as ensuring public awareness;

(*e*) To afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, including assistance in obtaining evidence at their disposal for the proceedings;

(*f*) To contribute to the elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking in children;

33. *Requests* the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a report to the Commission at its fifty-ninth session;

34. *Requests* all Governments to cooperate fully with the Special Rapporteur, and encourages relevant United Nations bodies and agencies and invites non-governmental organizations to do likewise;

VI. PROTECTION OF CHILDREN AFFECTED BY ARMED CONFLICT

Reaffirming paragraphs 43 to 56 of its resolution 2000/85,

35. *Reaffirms* the essential role of the General Assembly, the Economic and Social Council and the Commission on Human Rights for the promotion and protection of the rights

and welfare of children, including children in armed conflict, and takes note of the importance of the fourth debate held by the Security Council, on 20 November 2001, on children and armed conflict, of Council resolution 1379 (2001) of 20 November 2001, and of the undertaking by the Council to give special attention to the protection, welfare and rights of children in armed conflict when taking action aimed at maintaining peace and security, including provisions for the protection of children in the mandates of peacekeeping operations as well as the inclusion of child protection advisers in these operations;

36. *Stresses* the continuing importance of the Plan of Action on Children Affected by Armed Conflict of the International Red Cross and Red Crescent Movement and the resolution on this subject adopted at the twenty-seventh International Conference of the Red Cross and Red Crescent;

37. *Notes* the adoption of the Rome Statute of the International Criminal Court (A/CONF.183/9), in particular the inclusion therein, as a war crime, of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts;

38. *Notes with appreciation* the Agenda for War-Affected Children adopted by the International Conference on War-Affected Children, held in Winnipeg, Canada, in September 2000, and efforts by regional organizations, in particular the Organization for Security and Co-operation in Europe, the European Union, the Economic Community of West African States, the Organization of American States and the Organization of African Unity, to include prominently the rights and protection of children affected by armed conflict in their policies and programmes;

39. *Calls upon* States:

(*a*) To end the recruitment of children and their use in armed conflicts contrary to international law, including obligations assumed under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour (No. 182) of the International Labour Organization;

(*b*) When ratifying the Optional Protocol, to raise the minimum age for voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(*c*) To ensure that children are not forcibly or compulsorily recruited into their armed forces;

(*d*) To take all feasible measures to prevent recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of legal measures necessary to prohibit and criminalize such practices;

40. *Calls upon*:

(*a*) All States and other parties to armed conflict to respect fully international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977;

(*b*) All States and relevant United Nation bodies and agencies and regional organizations to integrate the rights of the child into all activities in conflict and post-conflict situations and to facilitate the participation of children in the development of strategies in this regard, making sure that there are opportunities for children's voices to be heard;

(*c*) All States and relevant United Nations bodies to continue to support national and international mine action efforts, including through financial contributions, mine awareness programmes, mine clearance, victim assistance and child-centred rehabilitation, taking note of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and welcomes the positive effects on children of concrete legislative and other measures with respect to anti-personnel mines, and also taking note of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Amended Protocol II) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and the implementation of these instruments by those States that become parties to them;

41. *Recommends* that, whenever sanctions are imposed, in particular in the context of armed conflict, their impact on children be assessed and monitored and, to the extent that there are humanitarian exemptions, they be child-focused and formulated with clear guidelines for their application, in order to address possible adverse effects of the sanctions, and reaffirms the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent;

VII. RECOVERY AND SOCIAL REINTEGRATION

Reaffirming paragraph 57 of its resolution 2000/85,

42. *Encourages* States to cooperate, including through bilateral and multilateral technical cooperation and financial assistance, in the implementation of their obligations under the Convention on the Rights of the Child, including in the prevention of any activity contrary to the rights of the child and in the rehabilitation and social integration of the victims, such assistance and cooperation to be undertaken in consultation among concerned States and relevant international organizations;

VIII.

43. *Decides*:

(*a*) To request the Secretary-General to submit to the Commission at its fifty-ninth session a report on the rights of the child, with information on the status of the Convention on the Rights of the Child and on the problems addressed in the present resolution;

(*b*) To continue its consideration of this question at its fifty-ninth session under the same agenda item.

58th meeting
26 April 2000
[Adopted without a vote. See chap. XIII.]

B. Decisions

2002/101. Organization of work

At its 2nd meeting, on 19 March 2002, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(*a*) In connection with item 5: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;

(*b*) In connection with item 6: Mr. M. Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(*c*) In connection with item 7: Mr. M.-S. Dembri, Chairperson-Rapporteur of the Open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development;

(*d*) In connection with item 7: Mr. A. Sengupta, independent expert on the right to development;

(*e*) In connection with item 8: Mr. J. Dugard, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(*f*) In connection with item 9: Mr. G. Gallón, Special Representative of the Commission to monitor the situation of human rights in Equatorial Guinea;

(*g*) In connection with item 9: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(*h*) In connection with item 9: Mr. J. Cutileiro, Special Representative of the Commission on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia;

(*i*) In connection with item 9: Mr. G. Baum, Special Rapporteur on the situation of human rights in the Sudan;

(*j*) In connection with item 9: Ms. I. A. Motoc, Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;

(*k*) In connection with item 9: Mr. K. Hossain, Special Rapporteur on the situation of human rights in Afghanistan;

(*l*) In connection with item 9: Mr. P. S. Pinheiro, Special Rapporteur on the situation of human rights in Myanmar;

(*m*) In connection with item 9: Ms. M.-T. Kéita-Bocoum, Special Rapporteur on the situation of human rights in Burundi;

(*n*) In connection with item 9: Mr. A. Mavrommatis, Special Rapporteur on the situation of human rights in Iraq;

(*o*) In connection with item 9 (*b*): Mr. F. Yimer, Chairperson-Rapporteur of the Working Group on Communications of the Sub-Commission on the Promotion and Protection of Human Rights; representatives of States in respect of which situations were being considered under item 9 (*b*);

(*p*) In connection with item 10: Mr. B. A. Nyamwaya Mudho, independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;

(*q*) In connection with item 10: Mr. J. Ziegler, Special Rapporteur on the right to food;

(*r*) In connection with item 10: Ms. F. Z. Ouhachi-Vesely, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;

(*s*) In connection with item 10: Mr. M. Kothari, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination;

(*t*) In connection with item 10: Ms. A.-M. Lizin, independent expert on the question of human rights and extreme poverty;

(*u*) In connection with item 10: Ms. K. Tomasevski, Special Rapporteur on the right to education;

(*v*) In connection with item 10: Mr. H. Kotrane, independent expert to examine the question of a draft optional protocol to the International Convention on Economic, Social and Cultural Rights;

(*w*) In connection with item 11 (*a*): Mr. L. Joinet, Chairperson of the Working Group on Arbitrary Detention;

(*x*) In connection with item 11 (*a*): Mr. T. van Boven, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;

(*y*) In connection with item 11 (*a*): Ms. E. Odio Benito, Chairperson-Rapporteur of the Open-ended working group on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(*z*) In connection with item 11 (*a*): Mr. J. Walkate, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture;

(*aa*) In connection with item 11 (*b*): Mr. I. Tosevski, member of the working group on Enforced or Involuntary Disappearance;

(*bb*) In connection with item 11 (*b*): Ms. A. Jahangir, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(*cc*) In connection with item 11 (*b*): Mr. M. Nowak, independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced and involuntary disappearances;

(*dd*) In connection with item 11 (*c*): Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(*ee*) In connection with item 11 (*d*): Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(*ff*) In connection with item 11 (*e*): Mr. A. Amor, Special Rapporteur on freedom of religion or belief;

(*gg*) In connection with item 12: Mr. O. Jerandi, Chairperson of the Commission on the Status of Women;

(*hh*) In connection with item 12 (*a*): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(*ii*) In connection with item 13: Mr. J. M. Petit, Special Rapporteur on the sale of children, child prostitution and child pornography;

(*jj*) In connection with item 13: Mr. O. A. Otunnu, Special Representative of the Secretary-General on the impact of armed conflict on children;

(*kk*) In connection with item 14 (*a*): Ms. G. Rodríguez Pizarro, Special Rapporteur on the human rights of migrants;

(*ll*) In connection with item 14 (*c*): Mr. F. M. Deng, Representative of the Secretary-General on internally displaced persons;

(*mm*) In connection with item 14 (*d*): Swami Agnivesh, Chairperson of the Board of Trustees of the United Nations Voluntary Fund on Contemporary Forms of Slavery;

(*nn*) In connection with item 14 (*d*): Mr. B. Lindqvist, Special Rapporteur of the Commission for Social Development on the situation of persons with disabilities;

(*oo*) In connection with item 15: Mr. R. Stavenhagen, Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people;

(*pp*) In connection with item 15: Mr. L. E. Chávez, Chairperson-Rapporteur of the Working Group on a draft United Nations declaration on the rights of indigenous peoples;

(*qq*) In connection with item 15: Ms. E. I. Daes, Special Rapporteur on indigenous peoples and their relationship to land of the Sub-Commission on the Promotion and Protection of Human Rights;

(*rr*) In connection with item 15: Ms. V. Tauli-Corpuz, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations;

(*ss*) In connection with item 15: Mr. M. Dodson, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People;

(*tt*) In connection with item 16: Mr. D. Weissbrodt, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session;

(*uu*) In connection with item 17: Mr. M. Alfonso Martínez, Special Rapporteur of the Sub-Commission on human rights and human responsibilities;

(*vv*) In connection with item 17 (*b*): Ms. H. Jilani, Special Representative of the Secretary-General on the situation of human rights defenders;

(*ww*) In connection with item 19: Mr. P. Leuprecht, Special Representative of the Secretary-General for human rights in Cambodia;

(*xx*) In connection with item 19: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(*yy*) In connection with item 19: Mr. G. Alnajjar, independent expert on the situation of human rights in Somalia.

[See chap. III.]

2002/102. Interaction between the secretariat of the procedure established pursuant to resolution 1503 (XLVIII) of the Economic and Social Council and the Division for the Advancement of Women

At its 27th (closed) meeting, on 5 April 2002, the Commission on Human Rights, taking note of Economic and Social Council decision 2001/304 of 26 July 2001, taking into account all the information pertaining to the procedure established pursuant to resolution 1503 (XLVIII) of the Council and reaffirming the principle of confidentiality at all stages of this procedure as stated in paragraph 9 of Council resolution 2000/3 of 16 June 2000, decided by a roll-call vote of 28 votes to 25:

(*a*) That the existing practice of sharing information between the secretariat of the procedure established pursuant to Council resolution 1503 (XLVIII) of the Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women of the Secretariat has no legal basis;

(*b*) To request the secretariat of the procedure established pursuant to Council resolution 1503 (XLVIII) to discontinue immediately its practice of forwarding confidential monthly lists to the Division for the Advancement of Women;

(*c*) To recommend that the Council endorse the present decision.

[See chap. IX.]

2002/103. Situation in the occupied Palestinian territory

At its 41st meeting on 16 April 2002, the Commission on Human Rights decided, by a recorded vote of 41 votes to 2, with 9 abstentions:

(*a*) To express its deep dismay that its resolution 2002/1 of 5 April 2002 had not been implemented due to the absence of a positive response from the occupying Power, even though the human rights situation in the occupied Palestinian territory had continued to deteriorate;

(*b*) To call for the immediate implementation of its resolution 2002/1;

(*c*) To urge the United Nations High Commissioner for Human Rights to report urgently to the Commission on the deteriorating human rights situation in the occupied Palestinian territory on the basis of reports from all concerned organizations present in the occupied territory.

[See chap. IV.]

2002/104. Question of human rights in Cyprus

At its 48th meeting, on 19 April 2002, the Commission on Human Rights decided, without a vote, to retain on its agenda sub-item (*a*), entitled "Question of human rights in Cyprus", of the item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world" and to give it due priority at its fifty-ninth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to submit a report to the Commission regarding their implementation.

[See chap. IX.]

2002/105. Promotion of the realization of the right to drinking water and sanitation

At its 49th meeting, on 22 April 2002, the Commission on Human Rights, taking note of resolution 2001/2 of 10 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 37 votes to 1, with 15 abstentions:

(*a*) To approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights;

(*b*) To endorse the decision of the Sub-Commission to request the Special Rapporteur to submit a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session;

(*c*) To request the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

[See chap. X.]

2002/106. The Social Forum

At its 49th meeting, on 22 April 2002, the Commission on Human Rights, taking note of resolution 2001/24 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, by a recorded vote of 35 votes to 3, with 15 abstentions, to endorse the Sub-Commission's request that the Economic and Social Council authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights, to be known as "the

Social Forum", before the fifty-fourth session of the Sub-Commission, for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation, and to authorize the provision of all the necessary secretariat facilities for the preparation and servicing of the event.

[See chap. X.]

2002/107. The rights of non-citizens

At its 55th meeting, on 25 April 2002, the Commission on Human Rights, taking note of decision 2001/108 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, and recalling its own resolution 2001/60 of 24 April 2001, decided, without a vote, to approve the request of the Sub-Commission that the Secretary-General transmit a questionnaire of the Special Rapporteur on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they may wish to submit in connection with the study on the rights of non-citizens, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission.

[See chap. XIV.]

2002/108. Ms. Erica-Irene A. Daes and the Permanent Forum on Indigenous Issues

At its 55th meeting, on 25 April 2002, the Commission on Human Rights, taking note of decision 2001/112 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decided, without a vote, to recommend that the Economic and Social Council invite the Chairperson-Rapporteur of the nineteenth session of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, in recognition of the high esteem in which she is held by the world's indigenous community, to attend, address and present her report to the first session of the Permanent Forum on Indigenous Issues in May 2002.

[See chap. XV.]

2002/109. The Sub-Commission on the Promotion and Protection of Human Rights

At its 55th meeting, on 25 April 2002, the Commission on Human Rights, taking note of General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action adopted by consensus in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12), and convinced that the World Conference made an important contribution to the cause of eradicating racism, racial discrimination, xenophobia and related intolerance, decided, by a recorded vote of 52 votes to none, with 1 abstention, to invite the Sub-Commission on the Promotion and Protection of Human Rights to give careful consideration to the Durban Declaration and Programme of Action and to play a complementary role in the realization of the objectives of the World Conference.

[See chap. XVI.]

2002/110. Human rights and human responsibilities

At its 56th meeting, on 25 April 2002, the Commission on Human Rights, having discussed the preliminary report (E/CN.4/2002/107 and Corr.1) submitted, in accordance with Economic and Social Council decision 2001/285 of 24 July 2001, by the Special Rapporteur on human rights and human responsibilities, Mr. Miguel Alfonso Martínez, decided, by a recorded vote of 33 votes to 14, with 6 abstentions, to take note of the preliminary report and to recommend the following draft decision to the Council for adoption:

[For the text, see chap. I, sect. B, draft decision 36.]

[See chap. XVII.]

2002/111. Sub-Commission on the Promotion and Protection of Human Rights resolution 2001/17 of 16 August 2001 on reservations to human rights treaties

At its 56th meeting, on 25 April 2002, the Commission on Human Rights, taking note of resolution 2001/17 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to reaffirm its decision 2001/113 of 25 April 2001, and in this regard requested the Sub-Commission to continue to keep in mind the work on reservations under way in the International Law Commission.

[See chap. XVII.]

2002/112. Fundamental standards of humanity

At its 56th meeting, on 25 April 2002, the Commission on Human Rights, recalling its resolution 2000/69 of 26 April 2000 and its decision 2001/112 of 25 April 2001, and taking note of the report of the Secretary-General on fundamental standards of humanity (E/CN.4/2002/103), decided, without a vote, to consider the question of fundamental standards of humanity at its sixtieth session and to request the Secretary-General, in consultation with the International Committee of the Red Cross, to submit to the Commission at its sixtieth session an analytical report which would consolidate and update previous reports and studies, cover relevant developments, including regional and international case law and the forthcoming study by the International Committee of the Red Cross on customary rules of international humanitarian law, and address the issue of securing implementation.

[See chap. XVII.]

2002/113. Dates of the fifty-ninth session of the Commission on Human Rights

At its 57th meeting, on 26 April 2002, the Commission on Human Rights, recalling decision 1994/297 of 29 July 1994 of the Economic and Social Council, and taking into account Council decision 1997/291 of 22 July 1997, decided, without a vote, that the first meeting of the Commission would henceforth be held on the third Monday in January, with the sole purpose of electing its officers, and that the fifty-ninth session of the Commission would be held from 17 March to 25 April 2003.

[See chap. XX.]

2002/114. Expiration of office-holders' terms of appointment under special procedures

At its 57th meeting, held on 26 April 2002, the Commission on Human Rights decided, without a vote:

(*a*) That the six-year period of time referred to in subparagraph (*a*) (ii) (Special procedures mandates) of the Chairperson of the Commission's statement on enhancement of the effectiveness of the mechanism of the Commission, of 29 April 1999 (E/1999/23-E/CN.4/1999/167, chap. XX, para. 552), will not extend beyond the last day of the substantive session of the Council immediately following the relevant session of the Commission;

(*b*) That any reports on activities undertaken by the concerned individual office-holder between the date of submission of reports to the relevant session of the Commission and the last day of the substantive session of the Economic and Social Council will be circulated as official documents of the subsequent session of the Commission;

(*c*) That the Chairperson of the Commission, in consultation with the expanded Bureau, will endeavour to select and appoint office-holders as early as possible with a view to avoiding gaps between terms of office-holders.

[See sect. II, decision 2002/114,
and chap. XX.]

2002/115. Intersessional activities of the Bureau

At its 58th meeting, on 26 April 2002, the Commission on Human Rights, noting the serious difficulties posed by the discontinuation of evening and night meetings during its fifty-eighth session owing to budgetary constraints and observing that it had made it extremely difficult for the Commission to devote sufficient time to an appropriate consideration of several of its agenda items and to involve all participants in the most meaningful way, decided, by a recorded vote of 41 votes to none, with 12 abstentions, to authorize its Bureau, working together with the regional coordinators, after the conclusion of the fifty-eighth session and in full consultation with all regional groups, to consider steps which could be recommended to the expanded Bureau of the fifty-ninth session as soon as it is established, regarding the organization of work during that session, in close coordination with the Bureau of the Economic and Social Council and the Office of the United Nations High Commissioner for Human Rights, as well as other concerned bodies of the United Nations Secretariat.

[See chap. III.]

2002/116. Organization of the work of the fifty-ninth session of the Commission on Human Rights

At its 58th meeting, on 26 April 2002, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-eighth sessions, decided, without a vote:

(*a*) To recommend to the Council that it authorize 14 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Council, for the Commission's fifty-ninth session;

(*b*) To request the Chairperson of the fifty-ninth session of the Commission to make every effort to organize the work of the session within the time normally allotted, so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

2002/117. Statements by non-governmental organizations

At its 58th meeting, on 26 April 2002, the Commission on Human Rights, in view of time constraints and the emergency measures that were applied during its fifty-eighth session that resulted, inter alia, in numerous non-governmental organizations being unable to make statements under a number of agenda items despite their having been inscribed on the list of speakers, decided, without a vote, that the full text of those statements affected by the emergency measures should be issued, on an exceptional basis, in the language in which they were prepared, as documents of the fifty-eighth session of the Commission.

[See chap. III.]

2002/118. Electronic voting system

At its 58th meeting, on 26 April 2002, the Commission on Human Rights, acknowledging the usefulness and efficiency of the electronic voting system made available to it by the Office of the United Nations High Commissioner for Human Rights at its fifty-eighth session, noting that this initiative significantly reduced the amount of time needed to take action on proposals, recognizing that it was not a substitute for the methods of voting provided for in rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, and that any request for a roll-call vote was interpreted by the Chairperson as a request for a recorded vote, unless otherwise specified, decided, without a vote, to call upon the Secretary-General to continue making available to it the electronic voting system at all future sessions, including special sessions.

[See chap. III.]
